



## Planning Commission

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Manager, Michael Turisk at 520.432.9240. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

### COMMUNITY DEVELOPMENT DEPT.

#### HOURS OF OPERATION

Monday through Friday

7:30 a.m. to 5:00 p.m.

Phone: 520.432.9240

Fax: 520.432.9278



# Cochise County Planning Commission

Cochise County Complex  
Board of Supervisors' Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona 85603

**Regular Meeting**  
**September 11, 2013**  
**4:00 p.m.**

## AGENDA

### 1. 4:00 P.M. - CALL TO ORDER

2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).

### 3. APPROVAL OF PREVIOUS MONTH'S MINUTES

### 4. OLD BUSINESS

**Item 1 - (Page 1) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING -- Docket R-13-01 (Cochise County Planning and Zoning Commission):** A proposed revision of the 2008 version of the County Zoning Regulations. The revision is intended to simplify and clarify to provide a better understanding of the regulations; to provide more flexibility in the administration of the regulations; and to bring the regulations into conformance with the County Comprehensive Plan and Arizona Revised Statutes.

### 5. NEW BUSINESS

**Item 1 - (Page 9) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING -- Docket SU-11-06A (The Health Center of Cochise, Inc.):** A request for a Modification of a 2011 Special Use Permit approved for a Health Clinic and

state-licensed Medical Marijuana Dispensary and Cultivation Facility to allow for a larger Cultivation Facility and add a Medical Marijuana Infusion Facility. The subject parcel is located at 1825 W. Dagoon Road in Cochise. The Applicant is Ms. Catherine R. Mead for The Health Center of Cochise, Inc.

**Item 2 - (Page 32) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING -- Docket SU-13-14 (West Edge):** The Applicants intend to operate a state-licensed Medical Marijuana Cultivation and Infusion Facility in the existing 187,944 sq.-ft. Willcox Greenhouse for the purposes of Medical Marijuana Cultivation and Infusion for distribution of Medical Marijuana products to licensed dispensaries statewide. The subject parcel is located at 5900 W. Greenhouse Road in Willcox. The Applicant is Withey Morris PC, Mr. Adam Baugh Esq. for West Edge, LLC.

**Item 3 - (Page 66) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING -- Docket SU-13-13 (AIRES, LLC):** The Applicant seeks to legitimize an existing Day Care Establishment operating within an existing 3,300 sq.-ft. home. The operation includes provisions for up to 20 adults and up to 15 children and as many as 15 employees. The subject parcel is located at 4100 S. Ranch Road in Sierra Vista. The Applicant is Ms. Diane Logan for Aires, LLC.

**Item 4 - (Page 101) Introduce docket and notify the public who the Applicants are.**

**PUBLIC HEARING -- Docket SU-13-15 (Ramirez):** A Special Use request to use an existing 1,603 sq.-ft. manufactured home with addition for a Day Care Establishment. The subject parcel is located at 37 N. McRae Lane in Saint David. The Applicant is Ms. Manuela Ramirez.

6. **CALL TO THE PUBLIC** - Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on *any issue within the Commission's jurisdiction*. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
9. **ADJOURNMENT**



**COCHISE COUNTY PLANNING & ZONING COMMISSION  
DRAFT MINUTES**

**Wednesday, August 14, 2013**

**REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chairman Lynch at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Chairman Lynch admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there were one Special Use request and Regulation docket on the Agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Chairman Lynch noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; six Commissioners (Tim Cervantes, Jim Lynch, Jim Martzke, Carmen Miller, Ron Bemis, and Liza Weissler) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Michael Turisk, Planning Manager; Keith Dennis, Planner II; Peter Gardner, Planner I; Rick Corley, Zoning Administrator and; Adam Ambrose, Civil Deputy County Attorney.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the July 10, 2013 meeting as presented.

**Action:** Approve **Moved by:** Mr. Bemis, **Seconded by:** Mr. Martzke

**Vote:** Motion passed (**Summary:** Yes = 6, No = 0, Abstain = 0)

**Yes:** Mr. Martzke, Chairman Lynch, Mr. Cervantes, Mr. Bemis, Ms. Miller, Ms. Weissler

**No:** 0

**Abstain:** 0

**NEW BUSINESS**

**Item 1**

**PUBLIC HEARING -- Docket SU-13-12 (Collins):** A Special Use request to use an existing guesthouse located at 10637 River Ridge Road in Palominas for a guest ranch land use. The Applicants are Kim Ratelle-Collins and Thomas Collins.

Chairman Lynch called for the Planning Director's report. Mr. Keith Dennis presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Dennis explained that the request was to allow existing structures to be used as a guest-lodging establishment.

He explained how the proposed project and the existing site fit in with the Southern San Pedro Valley Area Plan. Mr. Dennis explained the access to the site and that the docket was transmitted to various agencies for comment. He also explained the correspondence that Staff had received regarding the proposal. Mr. Dennis also explained the Modification requested by the Applicants, as well as the public response to the Special Use request. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Lynch invited the Applicant to make a statement. Mr. Tom Collins spoke, explaining the location of the property and the nature of the request. He explained the existing structures and how they would be used. He closed by inviting questions from the Commission. Mr. Lynch asked about the cowboy music and poetry mentioned in the application. Mr. Collins explained that they may occasionally play acoustic music outside in a similar manner that they currently do on the property.

Mr. Lynch opened the Public Hearing and asked if there were any members of the public wishing to speak in favor or in opposition to the project. There being none, Mr. Lynch then closed the Public Hearing and invited discussion from Commissioners. Mr. Bemis explained his support for the request as it blended well with the area. Mr. Lynch noted that the Commission had read the letters in opposition and were familiar with the concerns listed therein.

Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Dennis recommended Conditional Approval and explained the Conditions and Modification requested by Staff. Mr. Lynch called for a motion. Mr. Martzke made a motion for recommending Approval of the Special Use with the Conditions and Modification given by Staff. Mr. Bemis seconded the motion and Mr. Lynch asked for discussion. Mr. Martzke and Mr. Bemis expressed their support for the project. Mr. Lynch called for a vote. The motion passed 6-0.

**Motion:** Motioned to approve the Special Use request with Conditions and Modifications recommended by Staff.

**Action:** Approve with Conditions and Modifications **Moved by:** Mr. Martzke **Seconded by:** Mr. Bemis

**Vote:** Motion passed (**Summary:** Yes = 6, No = 0, Abstain = 0)

**Yes:** Mr. Martzke, Chairman Lynch, Mr. Cervantes, Ms. Miller, Mr. Bemis, and Ms. Weissler.

**No:** 0

**Abstain:** 0

## **Item 2**

**PUBLIC HEARING -- Docket R-13-01 (Cochise County Planning and Zoning Commission):** A proposed revision of the 2008 version of the County Zoning Regulations. The revision is intended to simplify and clarify to provide a better understanding of the regulations; to provide more flexibility in the administration of the regulations; and to bring the regulations into conformance with the County Comprehensive Plan and Arizona Revised Statutes.



Chairman Lynch explained the docket and read a portion of an email he had received from a member of the public and had forwarded to the rest of the Commission. Mr. Lynch declined to read the entire letter into the record and asked Staff to include the entire letter in the minutes. (The letter may be found in its entirety as an addendum to this document). Mr. Lynch did read a portion of the letter regarding the previously established Building Code Advisory and Appeals Board and the Board's relationship with the Zoning Regulations. He then explained the law and codes regarding the Board, including the various iterations required by individual codes. Mr. Lynch also noted that the Board does not interact with the Zoning Regulations under law or code and explained that it was the Commission's duty to review the Zoning Regulations. Mr. Lynch then called for the Planning Director's report. Planning Director, Ms. Beverly Wilson presented the docket, explaining the purpose and justification of the update. She also explained statutory issues driving the update. She then noted that the Commission had seen the document several times before, and noted the major changes in each article, including new definitions, dropping references to specific sections of state law or the zoning regulations, changes to medical marijuana, changes to administration, clarifications of site development standards, and a major rewrite of the sign regulations to bring them into line with Constitutional law. She finished by inviting questions from the Commission.

Mr. Bemis asked about Section 307 regarding items not permitted being prohibited and likened it to being considered guilty until proven innocent. Ms. Wilson noted that the language in question was not a change and is in the currently adopted regulations. Mr. Bemis acknowledged that and stated "he felt you needed the blessing of the king before you did anything" and felt it was a burden on the public to be required to know the regulations and that it penalized people who were trying to move ahead with "novel, new ideas." Mr. Ambrose asked Mr. Bemis how it could be modified and compared his suggestion to "being not responsible for any law you didn't know about." He explained that people are responsible for knowing the law. Mr. Bemis stated that he would like to see the section in question dropped from the regulations. Mr. Lynch asked if the section was a change. Ms. Wilson reiterated that it was not and the language in question was part of the current regulations. Ms. Weissler stated that she felt Mr. Bemis would prefer the language that would instead permit anything not permitted. Mr. Bemis concurred that this was his desire, and Ms. Weissler stated that she felt that this was not an appropriate change. Mr. Lynch requested the Commission to review the changes proposed rather than rewrite the regulations "on the fly" by discussing existing language. He reminded the Commission that their mandate was to review the changes and forward a recommendation to the Board of Supervisors. He reiterated that their mandate was not to propose changes at this point, and if Commissioners would like to introduce new changes they should be raised as a separate docket in the future. Mr. Bemis then asked Staff for clarification that the current proposed changes did not include any proposed additional water conservation regulations in the Sierra Vista Sub- watershed. Ms. Wilson stated that all such proposed changes had been removed.

Mr. Martzke mentioned that he did not like referring to general sections of law and regulations through most of the regulations but referring to individual sections within the same article. He felt that this inconsistent. Ms. Wilson explained the rationale, but Mr. Martzke felt it did not clarify and argued for keeping exact references. He continued that he felt members of the public would not otherwise be able to find the appropriate sections. Mr. Martzke then asked about the definition of General Agriculture and the semantics of the definition of feeding animals.

Mr. Lynch asked for clarification of what Mr. Martzke was referring to, and noted that the item in question was not a change. Mr. Martzke stated he wanted clarification and that the Commission should consider changing it. Mr. Lynch stated that he felt if the Commission followed Mr. Martzke's suggestion then they would never get through the regulations. Mr. Corley asked if Mr. Martzke was referring to raising poultry for personal use or for commercial purposes and offered clarification of how the regulations treated the two. Mr. Martzke then asked about the definition of gravel, giving a number of substances that he felt may be considered gravel. Ms. Wilson explained the engineering and planning definition of gravel, and noted that the only change was the addition of language permitting substances better than gravel to be used. Mr. Martzke disputed the definition and change. Mr. Bemis also asked about and disputed the definition. Ms. Wilson noted that the change in question was intended to make things easier for applicants rather than harder.

Mr. Lynch noted that the Commissioners had the document for two weeks and asked how many questions were submitted to Staff in that time. There being none, Mr. Lynch asked how the Commission wanted to proceed. He suggested the Commission go home and send questions to Staff prior to the next meeting so that they could be addressed before the meeting to prevent trying to "rewrite a several hundred page document on the fly, which is impossible." Mr. Martzke started to ask another specific question, and Mr. Lynch interrupted to emphasize that he did not want specific questions; he wanted a plan to move forward. Ms. Miller stated that "this was the first time we've seen it in written format". Mr. Lynch stated that the document had been coming to the Commission since January. Ms. Miller responded that this was the first time they had seen it as a single document and supported Mr. Lynch's suggestion that the Commissioners prepare questions for Staff in advance. Mr. Lynch protested that this route would require another meeting to answer any questions and felt that the process could take forever. Ms. Miller stated that she felt that "by hurrying it along we may lose some of the clarity." Mr. Lynch then called for a motion to table the item until time uncertain. Mr. Martzke made the motion and Mr. Lynch seconded and called for a vote. The motion passed 4-2.

**Motion:** Table docket until time uncertain.

**Action:** Table **Moved by:** Mr. Martzke, **Seconded by:** Mr. Lynch

**Vote:** Motion passed (**Summary:** Yes = 4, No = 2, Abstain = 0)

**Yes:** Mr. Bemis, Chairman Lynch, Ms. Miller, and Mr. Martzke

**No:** Mr. Cervantes, and Ms. Weissler.

## **CALL TO THE PUBLIC**

Chairman Lynch opened the "Call to the Public."

Jack Cook spoke about various matters.

Chairman Lynch closed the "Call to the Public."



## **PLANNING DIRECTOR'S REPORT**

Chairman Lynch then called for the Planning Director's report. Director Beverly Wilson informed the Commission that there were three Special Use dockets and one Special Use Modification for the next meeting. She also informed the Commission that the Board of Supervisors had approved the MDP and rezoning for Inde Motorsports from the previous Commission meeting. She also explained that an appeal of a previous docket was heard.

## **CALL TO COMMISSIONERS**

Mr. Lynch asked regarding absences for the next meeting. Mr. Martzke noted that he would be absent. Mr. Lynch stated that he would work with Staff as to how to address the Regulation docket. Ms. Weissler wondered when the Commission would act on the regulations and stated that she felt that the Commission was failing to do its job and Mr. Lynch agreed.

## **ADJOURNMENT**

Mr. Bemis moved to adjourn, Mr. Cervantes seconded and the meeting was adjourned at 5:01 p.m.

## **ADDENDUM**

- A. The following letter was submitted electronically for the record regarding Item 2.

Dist1a@cochise.az.gov

Chairman Lynch, I only have this one email address, but would appreciate if you would provide a copy to all the P & Z committee members at the meeting; I understand Open Meeting Laws do not allow you to forward. I would further request that my letter be read into the record.

I respectfully request that all the current building/zoning regulations be reviewed by the Advisory Board. After their input on the current regulations, then and only then, should they begin reviewing any proposed changes to the building codes....such as imposing City water regulations on rural/county residents.

The Zoning Ordinance is responsible for administering the Building Code, and setting Building Code fees and fines, therefore it seems logical that the Advisory Board would begin with current regulations first; and potentially address whether residents who received fines under current code that was not reviewed by the Advisory Board should be reversed.

I would respectfully request a copy of the bylaws set forth for the Advisory Board and a list of members with contact information.

I am sorry I will miss the upcoming P & Z meeting, but would like my voice to be heard.

Thank you,  
Jere Fredenburgh  
Sierra Vista AZ 85650

20 August 2013

Dear Planning Commissioner:

We have been working on the proposed changes to the Zoning Regulations since January 9th of this year. After six work sessions, I feel it is time to make a decision. I would like to see us bring these Zoning Regulation changes forward by removing Docket R-13-01 from the table, finalize discussions, and voting on it at our next meeting, September 11, 2013. To ensure that all Commission members have the opportunity for any last minute questions concerning the proposed changes we have already reviewed in work sessions and marked in Docket R-13-01 to be addressed, I'm requesting that you submit those questions or comments, in writing, to Beverly Wilson by August 30, 2013. Staff will then be prepared to address those specific questions at the meeting on September 11. Following the discussion, I am hoping there will be a vote to forward these changes to the Board of Supervisors.

I want to personally thank you for your tireless work on this effort over the last eight months and for your thorough consideration of the proposed updates. Additionally, I know I speak for the staff as well as myself, I want to express my gratitude for your patience and commitment. As this next meeting will be your final opportunity to clear up any last minute questions prior to a vote being taken, please be sure to take the time to submit them to staff by the deadline.

Sincerely,



Jim Lynch

Chair, Cochise County Planning and Zoning Commission

**To ensure compliance with the Open Meeting Law, recipients of this letter should not discuss it with other Planning and Zoning Commissioners. Planning and Zoning Commissioners may reply to the staff, but they should not send a copy of the reply to other Planning and Zoning Commissioners.**





# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Beverly Wilson, Planning Director *bw*  
**SUBJECT:** Docket R-13-01 (Zoning Regulations)  
**DATE:** September 3, 2013

### I. PROPOSED UPDATE TO THE ZONING REGULATIONS

Docket R-13-01 is a resolution that proposes a number of revisions to the 2008 version of the Cochise County Zoning Regulations, last revised and adopted on June 20<sup>th</sup> of 2008 (Resolution 08-31). Section 102.A.8 of the Cochise County Comprehensive Plan requires periodic review and updates to the Zoning Regulations to "reduce complexity, contradictions, and unnecessary regulations." The overall intent of these proposed revisions is exactly that, to simplify and clarify the regulations to be more easily understood and interpreted by the public and Staff. Attempts were made to build in more flexibility in the administration of the regulations, and to bring the regulations into conformance with revisions in the Arizona Revised Statutes ("ARS"). A summary listing of the changes as well as the complete draft document (with additions and deletions shown) is also included for consideration.

### II. BACKGROUND AND PROPOSED CHANGES

The purpose of this memorandum is to highlight the most significant changes to the Zoning Regulations. The proposed Draft is not intended to be a complete rewrite of the existing Regulations, but rather an effort to reduce complexity, contradiction, and unnecessary regulations. It is the result of a line-by-line examination of the Regulations by Staff over the past three years, as well as six Work Sessions with Commissioners over approximately that same period. Also included in this proposed update are the interpretations used by Staff for confusing language or for issues not addressed in the current Regulations. In compliance with Senate Bill 1598, several new definitions and in many cases, simply a word or two have been inserted into existing language. Following is a brief review of each Article and the changes Staff is proposing:

#### Article 2 (Definitions):

Due to past and potential changes in the numbering of Sections within the Zoning Regulations, as well as Arizona Revised Statutes, references to specific Sections of either have been replaced with more general references to the Article in which the Section is located. You will find the exception when the Section is within the same Article in which the Section reference appears.

#### New Definitions:

**Alley:** This definition was added as it is referenced in the body of the Regulations.

**Community Gardens and Farmers' Markets:** These are two new definitions added as categories of land use in a number of Zoning Districts. Community Gardens are added as permitted principal uses in Articles 6 through 13. Farmers' Markets are added as principal permitted uses in Articles 6, 11, 12, and 13, and as Special Uses in Articles 8, 9 and 10.

**Lot Development Administrative Modification:** This definition was added as it is referenced in the body of the Regulations.

**Recycling Drop-Off Receptacle and Transfer Station:** Definitions added to clarify that recycling drop-off receptacles are incidental and not the same land use as a recycling center, proper. The Transfer Station definition provides further clarity.

**Regional Sewage Treatment Plant:** This definition was added as it is referenced in the body of the Regulations. Also needed was clarification as to the difference between *regional* versus those which are limited in scope and serve primarily on-site uses (such as on-site or HOA-operated "package" plants within a subdivision).

**Repair Services (Large Engine):** A truck repair or other large equipment or vehicle repair operation would usually be larger in scale and generate greater potential impact than other repair services such as the existing category already defined in Article 2. Note that "automotive" has been removed from the definition of "Repair Services Automotive and Small Engine" with the number of axles now being the distinction between one type and another: "repair services for vehicles with two or fewer axles are classified as small engine repair, while more than two axles would be considered large engine repair."

**Retaining Wall:** Definition was needed to include the fact that setbacks do not apply to such structures.

**Right-of-Way or Utility Easement:** This definition was added as it is referenced in the body of the Regulations.

**Substandard Lot:** Definition added to explain that Lot Modifications, Variances or Rezoning are the remedies for substandard lots if not already deemed legal nonconforming.

**Wholesaling, Warehousing, Distribution, or Storage:** This definition was added as it is referenced in the body of the Regulations.

**Modified Definitions:**

**Accessory Living Quarters:** The term "detached bedrooms" was added as part of definition for added clarity.

**Airports:** Definition now includes helipads and heliports.

**Building Permit:** Definition clarified that permits are required for Permitted and Special Uses.



**Wireless Communication Equipment** has been renamed to "*Communication Equipment*," to reflect industry standards. The definition was also simplified.

**Contract Construction Services:** Includes indoor as well as outdoor storage of vehicles and equipment.

**Dwelling:** Definition simplified. This definition previously addressed various types of dwellings including manufactured homes and rehabilitated mobile homes.

**Dwelling unit, multiple household:** Definition simplified.

**Dwelling unit, single household:** Definition simplified and exclusion of RVs made explicit.

**Easement:** Added language allowing for permits to be issued within private easements on the condition that "*No structure or use permitted by this permit shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easement.*"

**Factory Built Building:** Edited for clarity, and to explain that such structures are also called "Modular Buildings."

**Fence:** Definition modified to indicate that retaining walls are not fences.

**Grocery Stores:** Definition edited to include accessory uses such as restaurants, banks, postal services, etc. that may occupy the same floor space as the grocery store, proper.

**Group Quarters:** Edited to exclude various uses such as halfway houses, offender rehabilitation, and residential care uses.

**Height, Building:** Removed references to average height on pitched roofs and deck lines on mansard roofs; height is now measured from grade to the tallest point of the roof.

Definitions for **Impacts**, **Intensity**, and **Monuments** were removed.

**Landscaping:** Definition modified/clarified.

**Manufactured Home:** Excluded rehabilitated mobile homes, factory built buildings and RVs.

**Master Development Plan:** Definition replaced with cross-reference to Article 4.

**Mini-Warehouses:** Definition now includes outdoor storage areas (such as for boats and RVs).

**Mobile Home:** Definition now specifically excludes RVs and manufactured homes.

**Mobile Home (Rehabilitated):** No longer refers to the ICC building code compliance, but to County certification.

**Manufactured Home Park:** Definition now includes factory built buildings, and clarifies that the land use is determined without regard to whether or not the units are offered for rent.

**Out-Building:** Definition now specifies that items stored are to be used on the property, or for animals, but do not include RVs which are allowed as accessory uses.

**Personal and Professional Services:** No longer includes dental or health services, as these are more properly defined under Health Clinics.

**Planned Development:** Definition replaced with cross-reference to Article 4.

**Recreational Facilities:** Modified to exclude residential lighted accessory roping arenas.

**Recreational Vehicle:** Language referring to travel trailers simplified.

**Recreational Vehicle Parks:** No longer includes tents (which are considered Guest Lodging, a separate category of land use).

**Repair Services, Automotive, and Small Engine:** The word “automotive” is removed. See above.

**Residential Care Homes and Institutions:** Definitions now exclude domestic violence shelters. Residential Care Homes may now house up to 10-persons (previous limit was six), with a maximum occupancy of 14-persons (counting staff). Classification as a Residential Care Institution is triggered by 10-or more residents. These limits mirror current State rules.

**Retail Sales and Rentals:** Provides for up to 40% of floor area to be used for “manufacturing, processing, assembling, treatment, installation, and repair of products.”

**Article 3 General Provisions:** Article 3 was not edited.

**Article 4 (Plan Area Designations and Master Development Plans):** Beyond some minor changes to the Category B Growth Area designation criteria, changes to this Article consist of added definitions and requirements of Master Development Plans as follows:

- The definition has changed to add requirements for addressing water adequacy, flood control, multi-modal transportation, parks, and utility installations.
- Required water conservation measures are spelled out in more detail, as are provisions for alternative energy options (see 406.06.B).

**Article 5 (Zoning Districts, Maps, and Boundaries):** Changes to this Article were editorial or used to clarify language.

**Article 6 (RU, Rural Zoning Districts):** Changes include the following:

- Principal Permitted grocery stores no longer include accessory gasoline sales, and maximum floor area has been increased from 2,000 to 2,500-square feet; grocery stores beyond these thresholds require a Special Use.

5

- Principal Permitted Wireless Communication Towers come with a 30-foot height limit.
- Clarifying language which permits Recreational Facilities, Civic, Social or Fraternal Organizations as part of a subdivision is added.

**Article 7 (Residential Zoning Districts):** Changes include the following:

- Section 701.03: A purpose statement referring to “the transition from urban to rural” has been removed.
- Section 706.03: Fences six-feet in height or less were added as Permitted Uses.

**Article 8 (SM- Single-household/manufactured home residential zoning districts):** Changes to this Article were editorial or used to clarify language.

**Article 9 (SR- Single-Household Residential Zoning Districts):** A reference to parcels zoned PR-40 (a long defunct Zoning district) has been added.

**Article 10 (MR-Multiple-Housing Zoning Districts):** Daycare Facilities were added as a Special Use.

**Article 11 (NB, Neighborhood Business Zoning District):** Farmers’ Markets and Community Gardens were added as permitted uses.

**Article 12 (GB-General Business):** Changes include the following:

- Setbacks for Special Uses on GB Parcels abutting GB, LI, or HI are now 10-feet; setback is still 80-feet when abutting other Districts.
- Standard Accessory RV language used in other Articles is now included.

**Article 13 (LI-Light Industry Zoning District):** Farmers’ Markets and Community Gardens added as permitted uses.

**Article 14 (HI-Heavy Industrial Zoning District):** Changes include the following:

- Added commercial plant nurseries and cemeteries as a permitted principal use.
- Added Medical Marijuana land uses as Special Uses.

**Article 15 (PD-Planned Development Districts):** Changes to this Article were editorial or used to clarify language.

**Article 17 (Administration):** Changes include the following:

- Section 1704: Modified to allow re-establishment of a discontinued residential use without the need for a new permit if the use was permitted previously.
- Section 1712: Provides for extensions on mobile or manufactured home permits.
- Section 1713: Included reference to Home Occupations.
- 1714: Included language regarding fee waivers that must be approved by the Board of Supervisors; surcharges assessed for placing mobile or manufactured homes without a permit.

6



- 1715.08: Clarified substandard lots and the various remedies for these beyond the lot modification process.
- 1716.02: Now references the Comprehensive Plan (previously only referenced applicable area plans or master plans). The change acknowledges the importance of our Comp Plan policies in making staff recommendations regarding Special Use proposals.
- 1720: Temporary Use Permit administration and procedures have been moved from Article 18 to Article 17.

**Article 18 (Site Development Standards):** Changes include the following:

- Added 0.5-parking spaces required for multiple-household dwellings (up from 1.5).
- 1804.07: Allows Zoning Inspector to approve surface requirements.
- 1804.08: Permits not required for unoccupied structures in display areas.
- 1805.03.D: Allows screening to begin at 6-inches above grade when screening in floodplain.
- Deleted Section 1812.15: "The number of spaces designed for recreational vehicles shall not exceed 20-percent of the total number of spaces in the park."
- 1813: Security fence and parking requirements for wireless towers removed.
- 1815: Livestock fencing differentiated from corrals; and provisions for roping arenas that are accessory to a principal permitted use.
- Section 1822 and 1823 – Minor changes to Wind and Solar regulations.
- Section 1825 – Medical Marijuana uses now allowed by Special Use in Heavy Industry District.
- 1822 and 1823: Minor formatting changes to Wind and Solar regulations.
- 1825 – Medical Marijuana uses allowed in Heavy Industry District.

**Article 19 (Sign Code):**

- Reorganized this Article to clarify and simplify.
- Per Arizona Revised Statutes, all regulations or restrictions on sign copy have been removed.
- Removed definition of and references to accessory signs.
- Removed Identification Sign classification; all such signs would now be classified under the existing category of "On-site Permanent Sign."

**Article 20 (Exemptions, Exceptions, and Nonconformances):**

- 2003.01: Added provisions to maintain legal nonconforming status for those lots combined after 1975, when such combinations reduce but which do not eliminate the non-conformance.
- 2003.04: Non-conforming business may expand with a permit as long as it can meet current development standards; apartments, mobile home, and RV parks may not expand without losing legal nonconforming status.

7

- 2003.06: Permits may now be issued for re-roof and building code repairs for legal nonconforming lots or parcels.

**Article 21 (Boards of Adjustment):**

- Changes to this Article were editorial or used to clarify language.

**Article 22 (Amendments):**

- Changes to this Article were editorial or used to clarify language.

**III. SUMMARY**

The Cochise County Zoning Regulations were last revised and adopted on June 20th of 2008 (Resolution 08-31). The Cochise County Comprehensive Plan requires periodic review and updates to the Zoning Regulations to “reduce complexity, contradictions, and unnecessary regulations.” Staff has been working on achieving this goal over the last three years, and is requesting that the Commission forward these proposed changes to the Board (meeting of October 9) with a recommendation for approval.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Michael Turisk, Planning Manager *MT*  
**FOR:** Beverly J. Wilson, Planning Director *BW*  
**SUBJECT:** Docket SU-11-06A (Health Center of Cochise, Inc.)  
**DATE:** August 22, 2013 for the September 11, 2013 Meeting

### APPLICATION FOR A SPECIAL USE MODIFICATION

A request for a Special Use Modification for an existing Health Clinic, Medical Marijuana Dispensary and Medical Marijuana Cultivation Facility approved by the Planning and Zoning Commission in July 2011. The Applicant intends to expand the cultivation component of the use and establish a new Medical Marijuana Infusion Facility in order to prepare and sell medical marijuana-infused foods and other products. The subject parcel (#208-89-023) is located at 1825 West Dragoon Road in Cochise. The Applicant is the *Health Center of Cochise, LLC*, represented by Ms. Catherine Mead.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 10.04-Acres  
Zoning: RU-4 (Rural; one home per four acres)  
Growth Area: Category D-Rural Growth Area  
Plan Designation: Rural  
Area Plan: None  
Existing Uses: Health Clinic; Medical Marijuana Dispensary and Cultivation

#### **Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural-Residential
South	RU-4	Agriculture
East	RU-4	Rural-Residential
West	RU-4	Rural-Residential

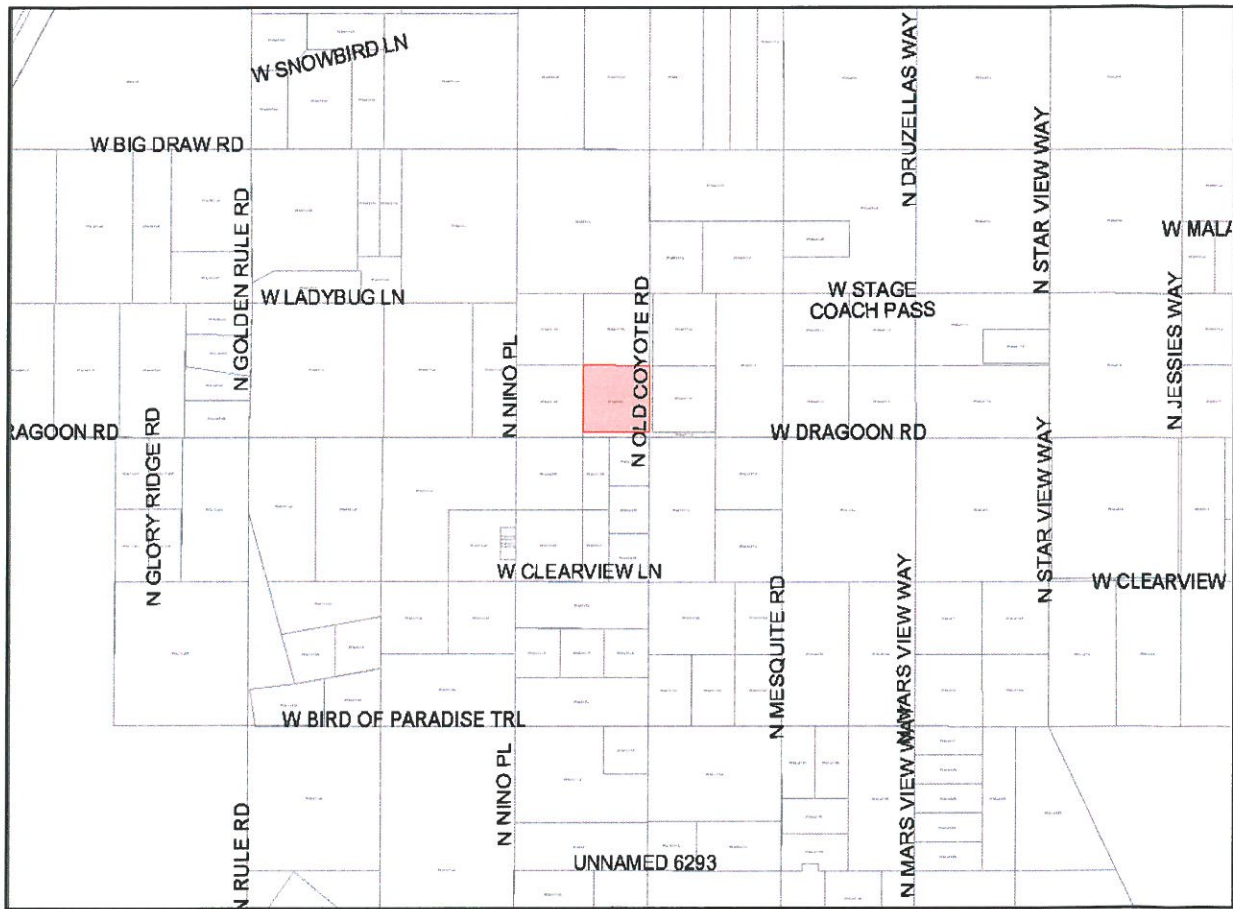


## **II. PARCEL HISTORY**

1998 – Permit issued for replacement of an existing mobile home with a new 1,152-square foot mobile home;

2011 - Special Use-11-06 was approved by the Planning and Zoning Commission for a Health Clinic, Medical Marijuana Dispensary and Cultivation Facility; and

2012 - Commercial Permit issued for above medical marijuana uses.



*Location Map*

## **III. PROJECT DESCRIPTION**

The Applicant requests a Special Use Permit Modification in order to expand the existing *Health Center of Cochise*, a State-approved medical marijuana clinic and dispensary with complementary cultivation facility. (The *Arizona Medical Marijuana Act* (AMMA) was approved by the electorate in 2010). Specifically, this request is to expand the cultivation facility and add a new use, a Medical Marijuana Infusion Facility (kitchen) in order to prepare medical marijuana-infused foods and other products. Two, 280-square-foot modular buildings are currently used as the health clinic, dispensary and growing facility. The health clinic provides health education and non-emergency medical services and treatments for patients documented with health conditions and diseases that respond favorably to medical marijuana treatments.

The Health Center of Cochise has been sanctioned to operate by the Arizona Department of Health Services (AZDHS), the agency charged with regulating the Medical Marijuana industry in Arizona. In July 2013, the Applicant received approval from that agency for renewal of the facility's Dispensary Registration Certificate (*see Attachment E*).



*Health Center of Cochise, Inc. located at 1825 W. Dragoon Rd. in Cochise*

#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of 10 criteria staff uses to evaluate Special Use applications and Modification requests. These factors help in determining whether or not to recommend approval, as well as to determine what Conditions and/or Modifications might be needed. Eight of the nine criteria that apply to this project comply. One criterion (*Water Conservation*) does not comply while another (*Hazardous Materials*) is not applicable.

##### **A. Compliance with Duly Adopted Plans: Complies**

Per the Comprehensive Plan, the property lies within a Category D Rural Growth Area, which is characteristic of outlying areas with unimproved roads, mining and agricultural production and large parcels with rural or ranch home sites. The proposed expansion would provide expanded services to the local community that would be in scale with land uses in the immediate area. Therefore, the request complies with this factor.

//



**B. Compliance with the Zoning District Purpose Statement: Complies**

The property lies within a Rural (RU) zoning district. One purpose of the RU districts relevant to this request, is “...to encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.” The Modification as proposed is compatible with adjacent land uses, as well as the stated purpose of the RU Zoning District. The subject parcel is 10-acres, much larger than the minimum required four acres, thus helping to mitigate more intense non-residential activities associated with the medical marijuana uses.

**C. Development Along Major Streets: Complies**

In 2012, the Applicant developed a new primary entry point from Dragoon Road which lies adjacent to the southern property line. Dragoon Road is County- maintained and improved that is classified as a rural major collector road with a minimum right-of-way width of 100-ft. A right-of-way permit was obtained per a Condition attached to Special Use approval in 2011. Per the County’s Transportation Planner, the Applicant has fulfilled all transportation-related Conditions from 2011; if the request is approved, the Applicant would not be required to make additional improvements. (See Attachment F.)



*Improved apron and culvert*



**D. Traffic Circulation Factors: Complies**

The facility is accessible only to those who hold a medical marijuana card issued by the Arizona Department of Health Services, therefore, any traffic generated by the expansion is expected to be minimal and similar to what occurs currently. The Applicant worked with County staff in 2011 to negotiate and finalize dedication of 50-ft. of land along the Dragoon Road frontage as right-of-way. In addition, an improved apron to minimum Cochise County Road Standards was installed in 2012 (*see photo below*).

**E. Adequate Services and Infrastructure: Complies**

A private well provides water, and power is provided by the SSVEC. Valley Telephone provides telephone services. However, the property is outside of a fire district service area. An on-site septic would be replaced with a new commercial-grade septic and leach field.

**F. Significant Site Development Standards: Complies**

Compliance with minimum site development standards for commercial uses in the Rural Zoning Districts was addressed with permit issuance in 2012 for the clinic, dispensary and related cultivation activities. Per the submitted site plan, three new structures would be installed, including two, 60-ft x 60-ft. (3,600 sq.-ft.) "5-plexes" at the west side of the property, and a 70-ft. x 90-ft. (6,300 sq.-ft.) greenhouse proposed at the north of the property. Special Uses in the Rural zoning districts require all structures associated with the use be a minimum of 40-ft. from all property lines. Three pole-mounted lights provide security for the facility; this lighting meets the minimum requirements of the County's Light Pollution Code. The Applicant has proposed additional similar lighting if the Modification request is approved, but has indicated that neighbor concerns would be considered by adjusting the new building layout to possibly reduce the need for additional lighting (*see Attachment E*).

In addition, Section 1825.02 of the Zoning Regulations requires medical marijuana uses to be setback a minimum of 300-ft. from surrounding residential uses, and a minimum of 500-ft. from other medical marijuana facilities, libraries, schools, or daycare centers. The setback is measured from the use, not property lines; no other medical marijuana or other restricting uses are within the minimum setback areas described above, so the proposed Modification would comply. As noted, the driveway is constructed to minimum commercial standards.

**G. Public Input: Complies**

The Applicant completed the requisite Citizen Review as part of the application process, with approximately 30 notification letters mailed to property owners within a 1,500-ft. radius of the parcel boundaries. The Applicant did not receive any responses. The Department completed its required legal noticing and property owner notification, and to date has received three written responses from three neighboring property owners who oppose these Modification requests. Concerns about light pollution and federal law as it pertains to marijuana were noted.

**H. Hazardous Materials: Not Applicable**

The use of hazardous materials is not indicated on the Application, nor has been mentioned by the Applicant.

**I. Off-Site Impacts: Complies**

As part of Special Use approval in 2011, the commercial use required a two-inch gravel driveway to minimize transient dust. The driveway and parking areas are currently adequately graveled and the Applicant has provided one improved handicapped space. Per the submitted application for this request, filtration systems would be installed "as needed" to reduce off-site odors from the growing operation.

As noted in Section F above, the site is lighted by several pole-mounted lights. Minimum security standards are set forth by the Arizona Department of Health. Two neighboring property owners have suggested that these lights are intrusive and degrade the dark night skies experience in the area (*see Attachment G*).

**J. Water Conservation: Does Not Comply**

Per the Special Use application in 2011, desert landscaping would be installed along with drip irrigation systems. However, the native vegetation that currently exists on site appears to precede the use. No acreage would be cleared to accommodate the proposed expansion. The current application indicates that hydroponic equipment for growing purposes would use recycled water, but no use estimates have been provided. In 2011, the expected amount of daily water use was provided as 10-gallons. Staff noted at that time that that volume seemed vastly underestimated given the use. The Modification request does not comply with this factor due to a lack of information regarding the water budget.

**V. PUBLIC COMMENT**

As stated in Section G, the Applicant's Citizen Review yielded no responses from neighboring property owners. The Department mailed notices to property owners within 1,500-feet of the subject property, staff posted a legal notice on site on August 16, 2013, and a legal notice was published on August 22, 2013. To date, staff has received three letters opposing this request (*see Attachment G*).

**VI. SUMMARY AND CONCLUSION**

The Applicant requests a Special Use Modification to expand the existing *Health Center of Cochise* to facilitate a larger Medical Marijuana Cultivation Facility and a new Medical Marijuana Infusion Facility. The proposed Modification represents an expansion of an existing medical marijuana use, and the property is located in an appropriate area for a small-scale commercial use such as this that does not generate a great deal of traffic, as the facility is accessible only to those who hold Arizona Department of Health Services-issued medical marijuana cards. In addition, the Applicant has fulfilled all Special Use Conditions of Approval from 2011, including significant infrastructure improvements.

14



**Factors in Favor of Approval**

1. The Comprehensive Plan “D” Growth Area designation and Rural use designation of the site and environs allows medical marijuana uses on the subject parcel;
2. The commercial uses are in keeping with the purpose of the Rural Zoning Districts by serving the local community and being in scale with surrounding rural-residential and agricultural uses;
3. The proposed expansion can meet the minimum site development standards for Special Uses in the Rural Zoning Districts as well as those dedicated to medical marijuana uses per Article 18;
4. The proposed expansion would not generate significant traffic;
5. The proposed expansion of the Medical Marijuana Cultivation Facility and new Infusion Facility are considered a reasonable expansion of an existing use; and
6. The Applicant has fulfilled all SU-11-06 Conditions of Approval, including various infrastructure improvements.

**Factor Against Approval**

1. To date, staff has received three letters of opposition.

**VII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **Conditional Approval** of this Special Use Modification request subject to the following Conditions:

1. Within thirty (30) days of approval of the Special Use Permit, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. The Applicant shall submit a completed joint permit application for the proposed construction within 12 months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards and with Section 1705 of the Zoning Regulations with appropriate fees. A permit must be issued within 18 months of approval, otherwise this Special Use Permit may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other state, or local laws or regulations; and
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

15



Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-11-06A, with the Conditions of Approval as recommended by Staff, with the Factors in Favor of Approval constituting Findings of Fact."*

### **VIII. ATTACHMENTS**

- A. Special Use application
- B. Site plan
- C. Applicant's Citizen Review Letter
- D. Correspondence approving Dispensary Registration Certificate renewal
- E. Applicant's correspondence dated 29 August *RE: lighting*
- F. County Transportation Planner's memo
- G. Public comments



**COCHISE COUNTY**  
**COMMUNITY DEVELOPMENT**

*"Public Programs...Personal Service"*

**COCHISE COUNTY PLANNING DEPARTMENT**  
**COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE**  
**(TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER 208-89-023  
APPLICANT The Health Center of Cochise, Inc.  
ADDRESS 1825 W. Dagoon Rd, Cochise, AZ. 85606  
CONTACT TELEPHONE NUMBER 480-861-6761  
EMAIL ADDRESS: Cathy@cccmcds.com  
PROPERTY OWNER (IF OTHER THAN APPLICANT) Old Coyote Road I, LLC  
ADDRESS 1825 W. Dagoon Rd, Cochise, AZ. 85606  
  
DATE SUBMITTED 7-26-2013

Special Use Permit Public Hearing Fee (if applicable) \$ \_\_\_\_\_  
Building/Use Permit Fee \$ \_\_\_\_\_  
Total paid \$ 300

-----  
**PART ONE - REQUIRED SUBMITTALS**

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property? Medical marijuana dispensary + cultivation site
2. What is the proposed use or improvement? Expanded cultivation site and infusing kitchen
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? no change.
4. Describe all intermediate and final products/services that will be produced/offered/sold.  
Medical marijuana, infused edibles, lotions and creams.



5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Factory built buildings

6. Will the project be constructed/completed within one year or phased? One Year \_\_\_\_\_  
Phased \_\_\_\_\_ if phased, describe the phases and depict on the site plan.

Two phases to be completed within one year.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: m-f Hours (from 9 AM to 6 PM)

B. Number of employees: Initially: 4 Future: 10  
Number per shift Seasonal changes \_\_\_\_\_

- C. Total average daily traffic generated:

- (1) How many vehicles will be entering and leaving the site.

1-10

- (2) Total trucks (e.g., by type, number of wheels, or weight)

0

- (3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

East & West on Dragoon Rd.

- (4) If more than one direction, estimate the percentage that travel in each direction

90% Eastbound, 10% Westbound entering

- (5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Varies daily.

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day 100 per year \_\_\_\_\_

Will you use a septic system? Yes ☒ No \_\_\_\_\_ If yes, is the septic tank system existing?

Yes \_\_\_\_\_ No \_\_\_\_\_ Show the septic tank, leach field and 100% expansion area on the site plan.

new commercial septic + leach field will be installed.

- G. Does your parcel have permanent legal access\*? Yes X No \_\_\_ if no, what steps are you taking to obtain such access?

\_\_\_\_\_  
\_\_\_\_\_

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached \_\_\_\_\_ NA X

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private Well	
Sewer/Septic	Septic	
Electricity	SSVE CO	
Natural Gas	N/A	
Telephone	N/A	
Fire Protection		

### SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

N/A  
\_\_\_\_\_  
\_\_\_\_\_

2. Will outdoor storage of equipment, materials or products be needed? Yes \_\_\_ No X if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. \_\_\_\_\_

\_\_\_\_\_

3. Will any noise be produced that can be heard on neighboring properties? Yes \_\_\_ No X if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No X if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? \_\_\_\_\_

5. Will odors be created? Yes \_\_\_ No \_\_\_ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? Possibly - Filtration

systems will be installed as needed.

6. Will any activities attract pests, such as flies? Yes \_\_\_ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties? \_\_\_\_\_

7. Will outdoor lighting be used? Yes X No \_\_\_ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes X No \_\_\_ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. \_\_\_\_\_ B. \_\_\_\_\_ C. \_\_\_\_\_ D. \_\_\_\_\_

9. Will any new signs be erected on site? Yes \_\_\_ No X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed? Yes \_\_\_ No X

If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No X

Will washes be improved with culverts, bank protection, crossings or other means? Yes \_\_\_ No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Crushed aggregate in existence

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)



13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes \_\_\_ No X If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

### SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

Partial hydroponic equipment to use  
recycled water in grow.

2. How many acres will be cleared? None  
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes \_\_\_ No X If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).**

**SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Catherine R. Mead

Print Applicant's Name Catherine R. Mead

Date signed 7-26-2013



# Site Plan #1

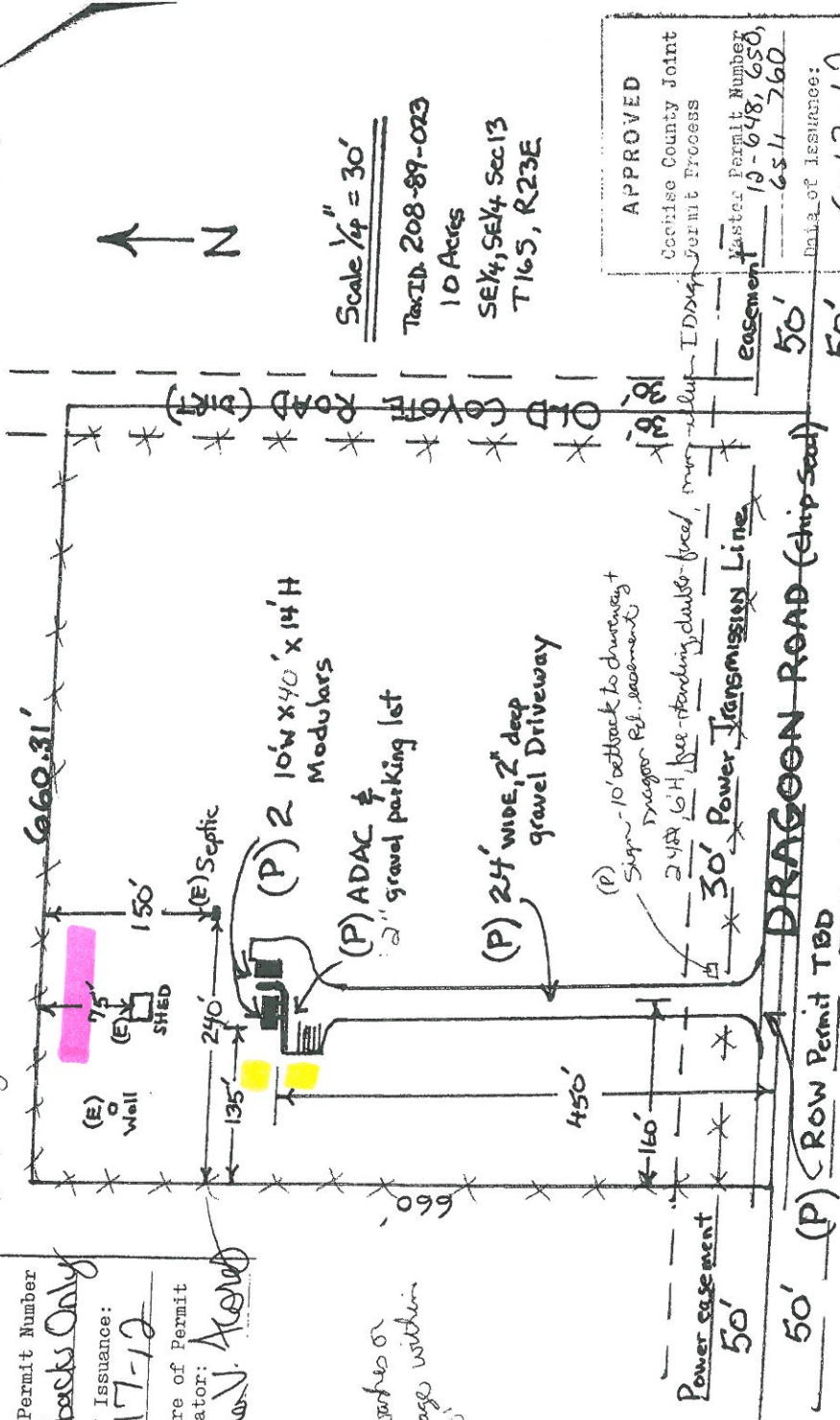
APPROVED  
Cochise County Joint  
Permit Process

Master Permit Number  
Setbacks Only

Date of Issuance:  
1-17-12

Signature of Permit  
Coordinator:  
Dora Horek

X = Existing 4' wire strand fence all four sides



no water or  
drainage within  
300'

APPROVED  
Cochise County Joint  
Permit Process

Master Permit Number  
12-648, 650,  
651, 760

Date of Issuance:  
6-13-12

Signature of Permit  
Coordinator:  
Dora Horek

Treatment and Health Centers LLC  
**SITE PLAN**  
APPROVED FOR CONDITIONS  
OF LETTER DATED SAME

24

5 Plexes (60' x 60')

Greenhouse (70' x 90')

# Cathy's Compassion Center

1825 W. Dragoon Road

Cochise, AZ 85606

(866) 291-8797

June 18, 2013

Dear Neighbor:

This letter is written to notify you that Cathy's Compassion Center is applying to Cochise County to modify our Special Use Permit for a larger growing and infusion facility. In the past six months that we have been open, we have been successful with assisting patients with our opiate detox program as well as helping many oncology patients. The larger grow and infusion will help us provide more medication and an alternative to administration needed by our many patients. A hearing will be held by Cochise County on August 14, 2013.

Please do not hesitate to contact us should you have any questions or concerns regarding the modification request and proposed plans.

We appreciate the opportunity to be of assistance to Cochise County as well as the entire state for medication, education and support.

Warmest regards,

Cathy Mead

Board Member

/crm

25



**Turisk, Mike**

---

**From:** Bob And Cathy Mead [bcmead4961@gmail.com]  
**Sent:** Monday, July 29, 2013 8:01 PM  
**To:** Turisk, Mike  
**Subject:** Fwd: AZDHS Medical Marijuana - Dispensary Certification Renewal

Here you go! :)

Sent from my iPhone

Begin forwarded message:

**From:** <noreply@azdhs.gov>  
**Date:** July 23, 2013, 10:16:27 AM MST  
**To:** BCMEAD4961@GMAIL.COM  
**Subject:** AZDHS Medical Marijuana - Dispensary Certification Renewal



## Dispensary Registration Certificate

Your application to renew your Dispensary Registration Certificate has been reviewed and it was determined to be substantively complete. Additionally, an inspection has taken place at your dispensary and, if applicable, the dispensary's cultivation site and was/were found to be in compliance for the following dispensary:

**Dispensary Name:** CATHY'S COMPASSION CENTER  
**Dispensary Certificate Id:** 00000070DCBD00783295

Your renewed certificate for Approval to Operate will be mailed to you within the next 10 business days. Until you receive your renewed certificate for Approval to Operate, this email may be used as your temporary certificate and proof of your Approval to Operate.

Please do not respond to this email. It was automatically generated by the processing system.

If you have further questions please contact Arizona Department of Health Services at 602-364-0857 or email [M2Dispensaries@azdhs.gov](mailto:M2Dispensaries@azdhs.gov)

Thank you,  
Arizona Department of Health Services  
Medical Marijuana Program

© 2013 - AZDHS

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CONFIDENTIALITY NOTICE

## Turisk, Mike

---

**From:** Cathy Mead [cathy@cathyscompassioncenter.com]  
**Sent:** Thursday, August 29, 2013 1:46 AM  
**To:** Turisk, Mike  
**Subject:** Re: Questions about lighting

Mike, we may add a couple more lights for security purposes. The lights face mostly down. I had taken the neighbors' concern regarding the lighting when I figured the layout of the buildings. I have moved the first building forward on the land so that we could utilize the two light poles that already exist there thereby limiting the number of additional light poles.

Mike, I anticipated this would come up as it is coming from a disgruntled former employee and his family who are neighbors. Just a little insight.

If you would like, I can try to take a picture at night so you can see how it looks. We paid extra money for the lights so that they wouldn't be too bright, shine downward, serve their purpose and not be distracting to neighbors or an eyesore. They are expensive and quite nice.

Thanks Mike. Let me know if you need me to do anything further or if you need any other information or documentation.

Sent from my iPhone

On Aug 26, 2013, at 12:01 PM, "Turisk, Mike" <[MTurisk@cochise.az.gov](mailto:MTurisk@cochise.az.gov)> wrote:

Cathy, a couple of quick questions:

- Are you proposing any additional lighting as part of your expansion?
- The existing lighting – Was it constructed to that height based on security standards set forth by the State? A couple of neighbors are concerned about the lighting, that it compromises rural character and dark night skies. However, I imagine it's needed to ensure a measure of security for your facility.

Thanks for your help, Cathy.

**Michael Turisk**, Planning Manager  
Cochise County Community Development  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
tel: 520.432.9240  
fax: 520.432.9278  
email: [mturisk@cochise.az.gov](mailto:mturisk@cochise.az.gov)

*"Our Programs Are Public...Our Service Is Personal"*  
[www.cochise.az.gov](http://www.cochise.az.gov)



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**Date:** July 22, 2013  
**To:** Michael Turisk, Planning Manager  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** Health Center of Cochise: SU 11-06A Modification/Parcel #208-023

The applicant was approved for a Medical Marijuana Dispensary Cultivation facility with a clinic component in 2011 (SU-11-06). The applicant is now seeking a modification to allow for a larger facility and additional services.

Access is proposed from Dragoon Road, a county-maintained, rural major collector that has a 26 foot cross-section and is chip-sealed. The subject parcel is bounded on the eastern boundary by Old Coyote Road, a private, non-maintained dirt road with 60 feet of right-of-way. The traffic impact for this use, as proposed, would be compatible with the area with easy access to a major roadway corridor that connects to state highway 191 to the south and to I-10 to the north.

Several transportation related conditions were imposed in 2011:

- Obtain a ROW/Encroachment Permit and construct a commercial driveway apron onto Dragoon Rd.
- Dedicate of a minimum of 50 feet to perfect the right-of-way for Dragoon Road along the subject property; and
- Either legitimize an access onto Coyote Rd. or restrict access to this potential alternative route.

All of these conditions have been met. The ROW/Encroachment Permit (Permit #20120531) was obtained on May 8, 2012 and the driveway completed and approved by the Highway Dept. on June 11, 2012. The Deed of Dedication (2012-25501) was submitted on May 9, 2012 and recorded on November 14, 2012. The Coyote Rd. alignment has been fenced off and was in adequate condition at the time of our August 6, 2013 site visit.

### **Recommendation**

The requested expansion would likely have no notable increase in traffic or adversely impact the transportation system in this area. Given that all the conditions previously required for this use have been met there is no objection from this department to approving the requested modification. No off-site improvements are required at this time.

cc: Docket SU-11-06A Modification

28



# Special Use: Docket SU-11-06A (Mead; The Health Center of Cochise)

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

COCHISE COUNTY

AUG 21 2013

PLANNING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

As far as I know, Federal Laws prohibit use, sale or any involvement in production or transportation of marijuana. I was not quite 21 years old in 1954 when I moved to Washington, D.C, which was Southern in the practice of racial segregation. In 1954, racial segregation was ruled Unconstitutional by the Supreme Court. Some states claimed States' rights over the Federal Law. NO! Federal Law trumps State Law. National Guard troops with guns and dogs were called to enforce integration.

I can hardly wait until the Federal Troops with drug sniffing dogs are raiding the Medical Marijuana establishments.

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S):

YOUR TAX PARCEL NUMBER: 208-90-008A 1 (the eight-digit identification number found on the tax statement they from the Assessor's Office) 0100341-019, 208-90-008D 8, 208-90-008C 9, 208-90-008 solve -

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. 208-90-008E 7

Lynelle A. Cole Lynelle A. Cole

Written comments must be received by our Department no later than 4 PM on Friday, August 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated. P.S. Many Japanese people lived in California before World War II. Some born here, they had State rights. At the start of WW II the

RETURN TO: Michael Turisk, Planning Manager  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

Federal government said they were a security threat and they were sent to concentration camps. You have to go by what the Federal Laws are FIRST. You cannot fight them, CHANGE them.

# Special Use: Docket SU-11-06A (Mead; The Health Center of Cochise)

COCHISE COUNTY

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

AUG 21 2013

PLANNING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

My main objection to this request is the amount of light that will be installed. The lights on the existing buildings are intrusive and in my opinion impact our ability to view & enjoy the night skies. Adding additional lights would be devastating to us. It just adds to light pollution.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Joan Lipson Alexis Nomides

SIGNATURE(S):

Joan A. Lipson  
Alexis Nomides

YOUR TAX PARCEL NUMBER: 20889012 C (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public.

Written comments must be received by our Department no later than 4 PM on Friday, August 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

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Bisbee, AZ 85603

30



## Special Use: Docket SU-11-06A (Mead; The Health Center of Cochise)

\_\_\_\_ YES, I SUPPORT THIS REQUEST:

Please state your reasons:

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✓ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

*This is supposed to be a residential area, and all the lights and everything will destroy the beauty of the country side, plus it will <sup>be</sup> right up against my fence line*

---

---

---

(Attach additional sheets, if necessary)

PRINT NAME(S): ELIZABETH CHRIST

SIGNATURE(S): Elizabeth Christ

YOUR TAX PARCEL NUMBER: 208-89-012B 9 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public.

**Written comments must be received by our Department no later than 4 PM on Friday, August 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

**RETURN TO:** Michael Turisk, Planning Manager  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

31





# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Keith Dennis, Planner II *ED*  
**FOR:** Beverly J. Wilson, Planning Director *BW*  
**SUBJECT:** Docket SU-13-14 (West Edge, LLC)  
**DATE:** August 30, 2013 for the September 11, 2013 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicants intend to utilize a portion of the existing 7.75-acre Willcox Greenhouse for the purposes of Medical Marijuana Cultivation and Infusion, each of which requires Special Use Authorization, per Sections 607.51 and 607.54 of the Zoning Regulations. The Applicants intend to operate a state-licensed cultivation and infusion operation, which would distribute medical marijuana products to licensed dispensaries statewide. The subject Parcel (201-20-001B) is located at 5900 W. Greenhouse Road in Willcox, AZ. The Applicant is Withey Morris PC, Adam Baugh Esq., for West Edge, LLC.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 311.12-Acres  
Zoning: Rural (RU-4; one home per 4-acres)  
Growth Area: Category D (Rural)  
Comprehensive Plan Designation: Rural  
Area Plan: None  
Existing Uses: Greenhouse; Agriculture

#### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Agriculture, Rural Residential
South	RU-4	Agriculture
East	RU-4	Agriculture
West	RU-4	Fort Grant Road, Agriculture

### II. PARCEL HISTORY

1994 – Permit issued for construction of four-acre “agricultural exempt hydroponic greenhouse” and two manufactured homes on Parcel 201-20-001. Those portions of the site which included the dwellings were later split from the parent Parcel.

1997 – Permit issued for 3.75-acre greenhouse expansion.

2001 – Permit issued for 3,600-square foot addition to the greenhouse sorting area along the west side of the structure.



*The project site is within an existing 7.75-acre greenhouse superstructure, on a 311-acre parcel.*

### **III. NATURE OF REQUEST**

The project site is home to the Willcox Greenhouse, a 7.75-acre greenhouse superstructure built in the 1990s. It has historically been used to grow tomatoes and assorted other vegetable crops. The owner of the greenhouse was approached by West Edge with a proposal to purchase the greenhouse and use a portion of the space as a medical marijuana growing and infusion facility. The Applicants have no intention of opening a dispensary at this location, and no business transactions involving medical marijuana would be conducted at the site. The proposal is to use the greenhouse for cultivation and infusion, with the products being transported to licensed dispensaries elsewhere within the state. If approved, the owner of the greenhouse would split the greenhouse off into a separate parcel which he would sell to the Applicants. He would also continue to grow tomatoes and other crops in the greenhouse under a lease agreement.

The medical marijuana facility would initially occupy about one-quarter of the space within the greenhouse – approximately 85,000-square feet, though the Applicants may decide to expand the growing area in the future. The infusion operation, in which medical marijuana is rendered into food-grade consumable products, would also be located within the greenhouse interior.



For security purposes, the Applicants intend to construct a separate entrance for the operation, at the east end of the greenhouse, so that the conventional agriculture operations are kept separate from the Special Use area (the regular entrance is at the west side of the greenhouse). A fence would also be constructed along the growing area within the greenhouse for security reasons.



*Views of the Willcox Greenhouse: exterior (above) and interior (below).*



#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of 10-factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Seven of the 10 criteria apply to this request. The project as submitted complies with four of the seven applicable Special Use factors, as submitted. If the Conditions of Approval recommended by staff are applied, the project would comply with each of the seven applicable Special Use factors.



**A. Compliance with Duly Adopted Plans: Not Applicable**

The project site is not within the boundary of any master development plan, transportation or other area plan.

**B. Compliance with the Zoning District Purpose Statement: Complies**

Section 601.03 of the Zoning Regulations establishes that the Rural Districts are intended to “*preserve the agricultural character of those portions of the county capable of resource production.*”



*View of the proposed initial cultivation/infusion area. The entrance to this area would be in the background at left.*

**C. Development Along Major Streets: Not Applicable**

Greenhouse Road is a named, paved road which serves this Parcel only – the greenhouse and nearby farm fields. It functions, therefore, as a driveway for the greenhouse. It connects to Fort Grant Road, a Rural Minor Collector.

**D. Traffic Circulation Factors: Complies (Subject to Condition #2)**

The proposed use would utilize the existing transportation network in a manner consistent with, and with a lower anticipated impact, than what has historically been the case. The produce from the greenhouses is often shipped to market on semi-trucks, for example, while the cultivation operation would utilize smaller vehicles for market transport, such as vans and medium trucks.

The apron connecting Greenhouse Road with Fort Grant Road is in need of repair. Condition #2 would require the Applicant to obtain a right-of-way permit and make repairs to the apron, ensuring that the latter meets with County standards.



*South view along Fort Grant Road. The apron here is in need of repair (Condition #2).*

#### **E. Adequate Services and Infrastructure: Complies**

The site is served by an on-site agricultural well and septic system. The site has electric power service from the Sulphur Springs Valley Electric Co-operative, natural gas service through Southwest Gas, and is within the service area of the Willcox Rural Fire Department. The site also features paved internal driveways (Greenhouse Road) which accesses the County road maintenance system at Fort Grant Road.

#### **F. Significant Site Development Standards: Complies**

The Applicants intend to meet all required site development standards. A revised site plan would be required at the commercial permit stage, per Condition #1.

#### **G. Public Input: Complies**

The Applicant completed the Citizen Review process and received no response.

#### **H. Hazardous Materials: Complies**

The Special Use application provided a list of fertilizers, pesticides and other inputs that are currently used at the greenhouse. The medical marijuana business will likely also employ fertilizers and pesticides. While the greenhouse activities have historically been exempt from permitting requirements as an ag-exempt use, the proposed medical marijuana operation is not



eligible for such exemptions. Condition #3 is a standard condition requiring compliance with all other permit requirements and conditions during the resulting permit process. As part of the non-residential permit requirements, the Applicants will submit an inventory of all such chemical inputs proposed for use as part of the operation, submit material safety data sheets for all applicable products, and confer with County staff with as to protocols for the safe handling, use and disposal of the same.

#### **I. Off-Site Impacts: Complies**

Off-site impacts associated with this project would be primarily traffic-related, but, as stated above, traffic is likely to be lower and consist of smaller transport vehicles than the conventional greenhouse operations. The greenhouse is in the center of a 311-acre agricultural property, surrounded by similar uses. It is anticipated that the impact of the business would result in a site that is essentially unchanged from its present condition.

#### **J. Water Conservation: Complies**

The business would utilize the existing water distribution system within the greenhouse. The application describes the capacity of the agricultural well serving the site, but does not specify the estimated water budget for the project. It is anticipated that the proposed medical marijuana business would result in about half the water usage as would be the case if the space were to continue under tomato cultivation.

#### **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on August 15, 2013, and published a legal notice in the *Bisbee Observer* on August 22, 2013. In response to this mailing, the Department received email correspondence from one concerned citizen opposing the request. This individual expressed concern about increased potential for crime, as well as a concern about the volume of marijuana to be grown.

#### **VI. SUMMARY AND CONCLUSION**

Medical marijuana land uses are allowed as Special Uses in the Rural Districts. This proposal would be for a significant cultivation and infusion operation within the interior of an established agricultural greenhouse superstructure, in an agricultural production area of the County. The products of this enterprise would be brought to licensed dispensaries off-site; no end-user transactions would take place on the property. The Special Use is anticipated to use less water, and produce off-site traffic impacts that are diminished relative to the traffic generated by the produce business existing on-site.

#### **Factors in Favor of Approving the Special Use**

1. With the recommended Conditions of Approval, the proposed use would comply with each of the eight applicable Special Use factors used by staff to analyze such requests;



2. Per Section 601.03 of the Zoning Regulations, the proposed use is appropriate in the Rural Districts and one that would be in keeping with the agricultural character of the area;
3. The proposed use can meet the minimum site development standards for the Rural Zoning Districts as well as those dedicated to medical marijuana uses per Article 18;
4. The proposed use would generate no appreciable off-site impacts; and
5. The proposed use would use existing agricultural land, structures, and infrastructure.

#### **Factor Against Allowing the Special Use**

1. One concerned citizen has expressed opposition to the request in writing.

#### **VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **conditional approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. As part of the commercial permit process, the Applicant shall obtain a right-of-way permit from County staff, and work to bring the apron at the Fort Grant Road access into compliance with County Highway Department standards;
3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-13-14, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

**VIII. ATTACHMENTS**

- A. Special Use Questionnaire
- B. Location Map
- C. Concept Plan
- D. Agency Comments
- E. Citizen Review and Public Comment



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs... Personal Service"*

## COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 201-20-001B

APPLICANT Withey Morris PLC on behalf of West Edge

ADDRESS 2525 E. Arizona Biltmore, Cr. A-212, Phoenix AZ 85016

CONTACT TELEPHONE NUMBER 602 230 0600

EMAIL ADDRESS: adam@witheymorris.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) Willcox Greenhouse, LLC

ADDRESS 5960 W. Greenhouse Rd

Willcox, AZ 85643

DATE SUBMITTED 7/26/13

Special Use Permit Public Hearing Fee (if applicable) \$ 300

Building/Use Permit Fee \$ /

Total paid \$ 300

### PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

40 A



6. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property? SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_
2. What is the proposed use or improvement? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? \_\_\_\_\_  
\_\_\_\_\_
4. Describe all intermediate and final products/services that will be produced/offered/sold.  
\_\_\_\_\_  
\_\_\_\_\_

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

\_\_\_\_\_

6. Will the project be constructed/completed within one year or phased? One Year \_\_\_\_\_  
Phased \_\_\_ if phased, describe the phases and depict on the site plan.

\_\_\_\_\_

\_\_\_\_\_

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: \_\_\_\_\_ Hours (from \_\_\_\_\_ AM to \_\_\_\_\_ PM)

B. Number of employees: Initially: \_\_\_\_\_ Future: \_\_\_\_\_  
Number per shift Seasonal changes \_\_\_\_\_

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

\_\_\_\_\_

(2) Total trucks (e.g., by type, number of wheels, or weight)

\_\_\_\_\_

\_\_\_\_\_

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

\_\_\_\_\_

(4) If more than one direction, estimate the percentage that travel in each direction

\_\_\_\_\_

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

\_\_\_\_\_

\_\_\_\_\_

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day \_\_\_\_\_ per year \_\_\_\_\_

Will you use a septic system? Yes \_\_\_ No \_\_\_ If yes, is the septic tank system existing?

Yes \_\_\_ No \_\_\_ Show the septic tank, leach field and 100% expansion area on the site plan.



- G. Does your parcel have permanent legal access\*? Yes \_\_\_ No \_\_\_ if no, what steps are you taking to obtain such access?

\_\_\_\_\_  
\_\_\_\_\_

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- H. For Special Uses only - provide deed restrictions that apply to this parcel if any.  
Attached \_\_\_\_\_ NA \_\_\_\_\_

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic		
Electricity		
Natural Gas		
Telephone		
Fire Protection		

### SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

\_\_\_\_\_  
\_\_\_\_\_

2. Will outdoor storage of equipment, materials or products be needed? Yes \_\_\_ No \_\_\_ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. \_\_\_\_\_

\_\_\_\_\_

3. Will any noise be produced that can be heard on neighboring properties? Yes \_\_\_ No \_\_\_ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No \_\_\_ if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Will odors be created? Yes \_\_\_ No \_\_\_ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Will any activities attract pests, such as flies? Yes \_\_\_ No \_\_\_ If yes, what measures will be taken to prevent a nuisance on neighboring properties? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Will outdoor lighting be used? Yes \_\_\_ No \_\_\_ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes \_\_\_ No \_\_\_ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.  
A. \_\_\_\_\_ B. \_\_\_\_\_ C. \_\_\_\_\_ D. \_\_\_\_\_
9. Will any new signs be erected on site? Yes \_\_\_ No \_\_\_ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).
10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?  
Yes \_\_\_ No \_\_\_  
  
If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No \_\_\_  
  
Will washes be improved with culverts, bank protection, crossings or other means?  
Yes \_\_\_ No \_\_\_  
  
If yes to any of these questions, describe and/or show on the site plan.
11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)  
\_\_\_\_\_
12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)



13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?  
Yes \_\_\_ No \_\_\_ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

### **SECTION C - Water Conservation and Land Clearing**

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
2. How many acres will be cleared? \_\_\_\_\_  
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### **SECTION D - Hazardous or Polluting Materials**

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes \_\_\_ No \_\_\_ If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

45 A

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).**

**SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature 

Print Applicant's Name ADAM BAUGH on behalf of West Edge

Date signed 7/25/13



## Part Two – Questionnaire

### Section A – General Description

1. What is the existing use of the Property?

The Property is currently used as greenhouse for growing agricultural crops.

2. What is the proposed use or improvement?

The applicant proposes to operate a medical marijuana cultivation and infusion facility inside the greenhouse consistent with the zoning regulations in Section 1825 of the Cochise County Zoning Regulations.

3. Describe the activities that will occur?

The cultivation and infusion facility is governed by State and County laws that mandate strict compliance with operation and security regulations including video surveillance and monitoring, and mandatory spacing requirements from residential areas and schools. Moreover, there can be no sale or exchange of medication at this location. The facility will only be used for cultivation and manufacturing, and is not open to the public. All cultivation and infusion activities will occur indoors and there will be no impact on the neighboring properties.

4. Describe all immediate and final products that will be produced?

The cultivation and infusion facility will produce medical cannabis in order to provide medication to an off-site dispensary. No products will be sold at this location and the medication will be transported off-site to its associated dispensary.

5. What materials will be used to construct the building?

The greenhouse is an existing structure that requires no site improvements. The greenhouse is built with steel and glass.

6. Will the project be constructed within one year?

Not applicable.

7. Provide the following information:

- a. Days/Hours of operation: 6 am to 6 pm
- b. Number of employees: 15-20 total employees although the number of employees on-site at any given time may be different.
- c. Total average daily traffic to be generated:
  - i. # of vehicles: approximately 15 estimated cars

- ii. Total trucks (by type, number of wheels, or weight): 1-2, 18-wheel trucks already serve the site for the purpose of agricultural crops distribution. It is expected that the existing volume of trucks has capacity to also serve the new medical marijuana cultivation use. If necessary, a smaller transportation van may also be used to transport the medical cannabis.
- iii. Estimate which direction and on which roads they will travel from the site?: The trucks currently serving the site travel on Fort Grant Rd in the direction to/from I-10.
- iv. If more than one direction, estimate % of travel in each direction.: N/A
- v. At what time of day, day of week and season is traffic the heaviest? Traffic patterns are generally low considering the agricultural nature of the site and the fact that the facility is not open to the public. Normal business hours are observed by employees and the traffic pattern is consistently low, year-round.
- d. Private or public water system? Private well
- e. Estimated gallons per day? Per year? The existing well currently provides 50,000-100,000 gallons in the summer, and 30,000 to 50,000 gallons in the winter.
- f. Septic? If yes, is it an existing tank? There is an existing septic tank as shown on the site plan.
- g. Permanent legal access? Yes
- h. Any deed restrictions? No.

8. Public Utilities

Service	Utility Company	Provisions to be made, if any?
Water	Private well	n/a
Sewer/Septic	septic	n/a
Electricity	SSVEC SULFER SPRING VALLEY COOP	n/a
Gas	SOUTWEST GAS	n/a
Telephone	QWEST	n/a
Fire Service	RURAL FIRE DEPARTMENT	n/a

**Section B – Outdoor Activities**

1. Describe any activities that will occur outdoors?  
None.
2. Will outdoor storage of equipment, materials, products be needed?  
No outdoor storage is anticipated.
3. Will noise be produced that can be heard on neighboring properties?



No. All activities will occur indoor. Furthermore, the nature of the gardening component makes the operation run without any noticeable audio. More important, the property is a large piece of property that essentially insulates the use from other adjacent properties.

4. Will there be any vibrations produced that can be felt on neighboring properties?

None.

5. Will odors be created?

All odors will be contained indoors and the applicant will install an air filtration system.

6. Will any activities attract pests?

None.

7. Will outdoor lighting be used? If so, show location on site plan.

There is an existing light on the building.

8. Do signs presently exist on the property? If so, show location on site plan.

There is an existing directory sign at the road for delivery trucks.

9. Will any new signs be erected?

No new signage is proposed for the cultivation facility.

10. Show on-site drainage flow on the site plan. Will drainage patterns change?

Not applicable. This is an existing facility and no new exterior site improvements are planned.

11. What type of surface will be used for driveways, parking, and loading areas?

The existing vehicle surface areas are partly asphalt and gravel; no new changes are proposed.

12. Show dimensions of parking and loading areas, width of driveway on site plan.

See site plan

13. Any off-site construction?

None

**Section C – Water Conservation and Land Clearing**

1. The property includes an existing greenhouse facility that will house the cultivation operations. No new site improvements are proposed which trigger any water conservation regulations.
2. No new acreage will be cleared.

**Section D – Hazardous or Polluting Materials**

The site has always been used for agricultural purposes. The nature of the operations requires pesticides, herbicides, and fertilizers on occasion. Attached is a list of items used on the site today.



## Willcox Greenhouse

### Materials List

#### Fertilizer:

Calcium nitrate

Potassium

Epsom salt

Iron

Phosphate

Copper

Zinc

Borax

#### Chemicals:

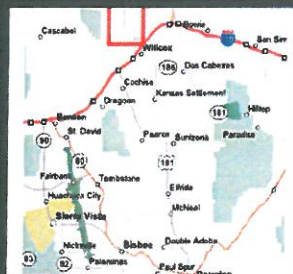
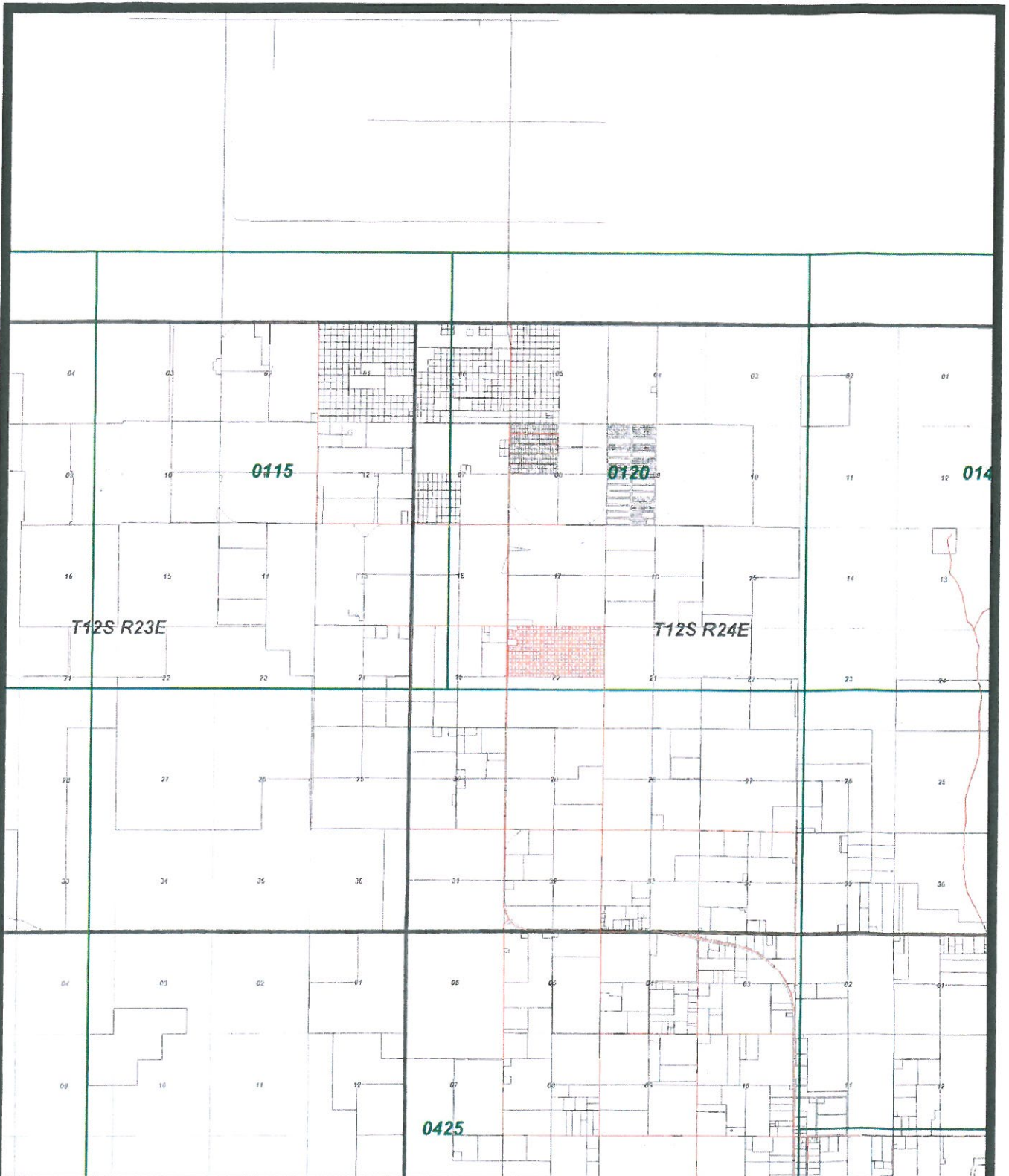
Roundup

Entrust

Evergreen

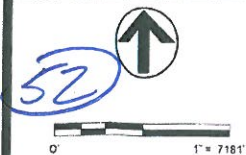
Venom

Biobit



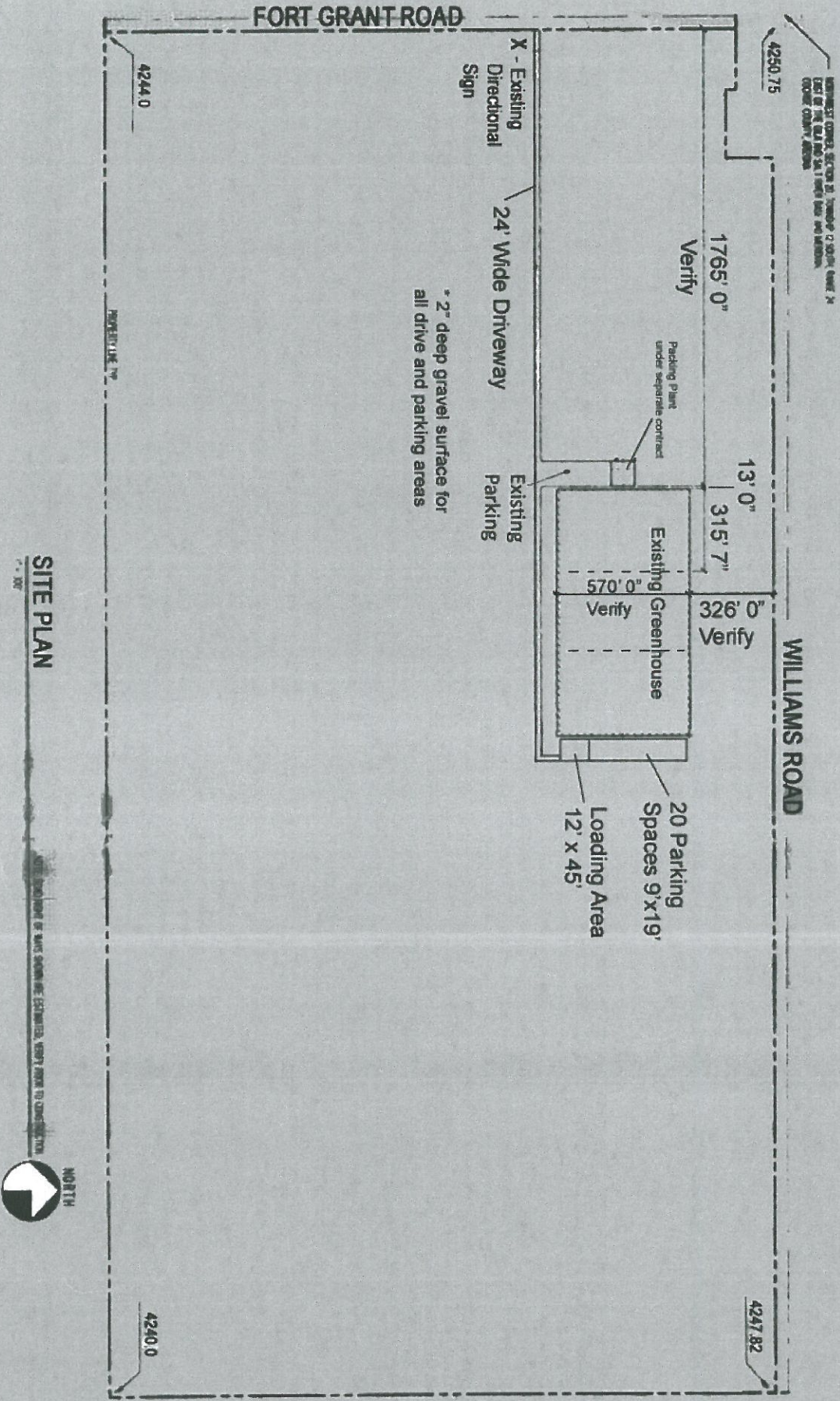
# Docket SU-13-14 (West Edge) Location Map

This map is a product of the  
Cochise County GIS



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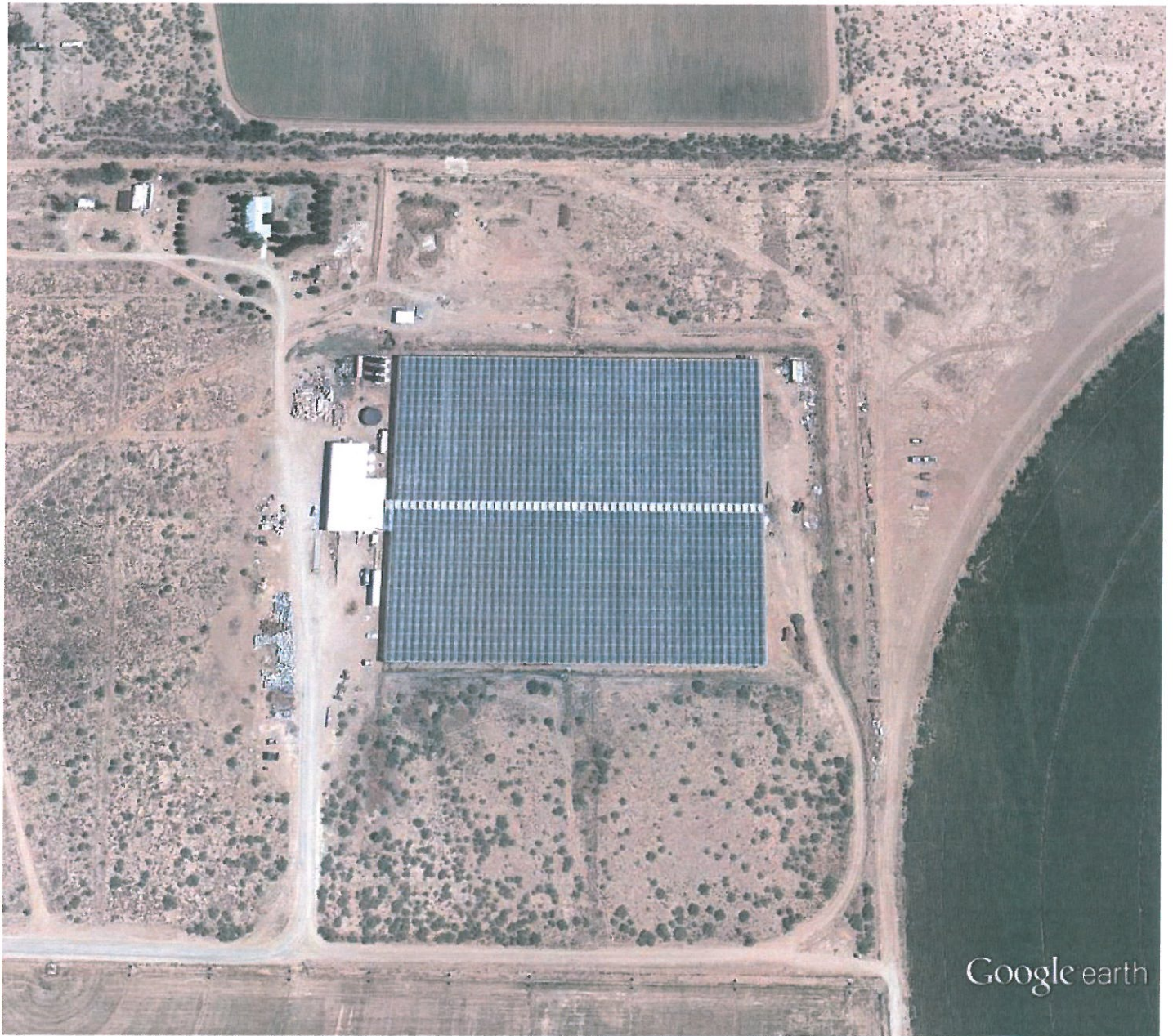
**WILLCOX GREENHOUSE**  
 FT. GRANT ROAD, WILLCOX, ARIZONA



C

6-5-98  
 104  
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Google earth

feet 900  
meters 200



54 C





# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**Date:** August 22, 2013  
**To:** Keith Dennis, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** West Edge Medical Marijuana Greenhouse: SU 13-14/Parcel #201-20-001B

The applicant has proposed a Medical Marijuana Dispensary Cultivation facility in an existing greenhouse facility in the northeast part of the County. Access is from Fort Grant Rd., a county-maintained rural minor collector roadway with a 28 foot cross-section and an asphalt surface. Adequate Right-of-Way dedication is in place adjacent to the subject property. A chip-sealed access driveway is in place; however, it is deteriorating and will soon need to be resurfaced and/or reconstructed.

This type of use is a hybrid between an agricultural use and a pharmaceutical, light manufacturing use and average trip generation rates have not been developed on either a national or state-level at this time. Although research on the topic finds numerous references to traffic congestion impacts these observations have been in the context of moratoriums on this type of use and not on vetted traffic engineering studies. For the initial operation 15-20 employees are anticipated with various shifts occurring throughout daytime hours. Some truck traffic is anticipated; existing uses of the greenhouse and agricultural activities currently include trucks, including semi-trucks from time to time.

### **Recommendation**

This requested use will not change the type of use that historically has been on this site nor the type and volume of traffic associated with a growing operation. The traffic pattern is unlikely to change and is unlikely to adversely impact Ft. Grant Rd. No off-site improvements would be required of the applicant.

The applicant will be requested to obtain an ROW/Encroachment Permit at the time of Commercial Permitting to repair the access driveway to the site. Given that a hard-surfaced access driveway does exist the applicant may complete this maintenance work within one year of obtaining the required ROW/Encroachment Permit. The specific design details and requirements for access will be worked out with the applicant at the commercial permitting stage consistent with any modification that the applicant might obtain during the Special Use process.

The applicant is advised that greater detail will be needed at the Commercial Permitting stage for the driveway and internal driveways, including sight triangles at the intersection with Fort Grant Rd. in order to assure adequate clear zones (Roadway Design Standards D-300 & Zoning Regulation 1807.06)

55 D



Access Driveway facing Ft. Grant Rd. August 2013



## Dennis, Keith

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**From:** Adam Baugh [adam@witheymorris.com]  
**Sent:** Thursday, August 29, 2013 4:11 PM  
**To:** Dennis, Keith  
**Subject:** RE: Water usage

Keith,

I confirmed with Jacque, the current grower, and the West Edge folks. Currently, tomatoes growing in the 80,000 sf area use about 20,000 gallons a day summer time. By comparison, cannabis is 10,000 gallons a day as confirmed by West Edge.

G. Adam Baugh, Esq.  
Withey Morris PLC  
2525 E Arizona Biltmore Circle #A-212  
Phoenix, AZ 85016  
Ph: (602) 230-0600  
Fax: (602) 212-1787

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**From:** Dennis, Keith [<mailto:KDennis@cochise.az.gov>]  
**Sent:** Wednesday, August 28, 2013 3:51 PM  
**To:** Adam Baugh; Randy Smith  
**Subject:** Water usage

Gentlemen, what do you estimate would be the water usage per year for 80,000 square feet of medical marijuana production?

I want to compare that water budget with what would be required to grow the same area of tomatoes.

Thank you both.

Keith Dennis - Planner II  
Cochise County Planning Department  
1415 Melody Lane  
Bisbee, AZ 85603  
520-432-9240

"Public Programs - Personal Service"  
[www.CochiseCounty.com](http://www.CochiseCounty.com)

# **Citizen Participation Report**

**5400 Greenhouse Rd.  
Willcox, AZ**

**SUP for a Medical Marijuana Cultivation and  
Infusion Facility**

Prepared by:

Withey Morris, PLC  
2525 East Arizona Biltmore Circle  
Suite A-212  
Phoenix, Arizona 85016

Submitted to:

Cochise County Community Development  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603

July 26, 2013

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## 1. Project Description

West Edge is seeking a special use permit for a medical marijuana cultivation and infusion facility located at 5900 Greenhouse Rd, in Willcox, Arizona. The property is zoned RU-4 and the site is improved with a large greenhouse building. Per the Cochise County Code, a medical marijuana cultivation and infusion facility is permitted in the RU-4 zoning district, subject to obtaining a Special Use Permit. The applicant, West Edge, proposes to operate a medical marijuana cultivation and infusion facility at this location.

The site fully conforms to all the required State and County spacing requirements from schools, libraries, residential uses, and other medical marijuana facilities. The cultivation and infusion facility is governed by State and County laws that mandate strict compliance with operation and security regulations including video surveillance and monitoring, and mandatory spacing requirements from residential areas and schools. Moreover, there can be no sale or exchange of medication at this location. The facility will only be used for cultivation and manufacturing, and is not open to the public. To be clear, a medical marijuana dispensary is not proposed and there will be no product for sale at this location.

## 2. Citizen Participation Plan Overview

Pursuant to Cochise County notification requirements, a notice letter was sent to all property owners within 1,000 feet per the mailing list provided by the county planner. A copy of the mailing list is attached at **Tab 1**. The letter provided notice to the recipient of a recent pre-application meeting regarding this request. The letter also provided a description of the site and proposed medical marijuana cultivation and infusion use. Finally, the letter provided the contact information of the applicant and staff planner in case there were any questions regarding this request. A copy of the letter is attached for your review at **Tab 2**.

It's also worth noting that owner of the greenhouse personally reached out to the parties on the mailing list and was able to speak with about half of the notified property owners and nobody indicated any opposition to the request.

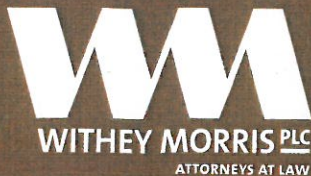
## 3. No Public Response

The applicant worked with Keith Dennis, the county planner assigned to this project, to keep staff apprised on the status of our Citizen Participation efforts. The applicant did not receive any phone calls or inquiries about the project. The staff Planner also confirmed he did not receive any calls or inquiries after our notice letter was mailed.

## 4. Summary

It is not surprising that there was no response from the public about our application. The existing greenhouse use has operated for nearly 20 years and the request merely permits an additional plant type crop inside the facility. The facility is located on several hundred acres and is virtually isolated from other nearby uses. Based on the lack of response to the notification letters, it is apparent the surrounding agricultural and property owners are not concerned by this application. In fact, we believe the proposal is viewed as a simple request for those nearby. As a result, we do not believe anybody will be impacted by this request due to the fact that it basically maintains the existing status quo.





PHONE: 602-230-0600

FAX: 602-212-1787

2525 E. Arizona Biltmore Circle, Suite A-212, Phoenix, AZ 85016

July 25, 2013

Keith Dennis, Senior Planner  
Cochise County Community Development  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603

Re: <sup>5900</sup>~~5400~~ Greenhouse Rd., Willcox / SUP for a Medical Marijuana  
Cultivation and Infusion Facility

Dear Mr. Dennis:

This firm represents West Edge, the applicant for a Special Use Permit for a Medical Marijuana Cultivation and Infusion Facility proposed at 5400 Greenhouse Rd., near Willcox in Cochise County, Arizona (the "Property"). Attached for submittal are the following: site plan (6), \$300 application fee, forms, questionnaire, and citizen report.

The purpose of this letter is to provide the appropriate context for the Property and this application. The property is zoned RU-4 and the site is improved with a large greenhouse building. Per the Cochise County Code, a medical marijuana cultivation and infusion facility is permitted in the RU-4 zoning district, subject to obtaining a Special Use Permit. The applicant, West Edge, proposes to operate a medical marijuana cultivation and infusion facility at this location.

The large greenhouse building (approximately 300,000 plus square feet, under roof) was built in the 1990s. The greenhouse has been used for growing agricultural crops and will continue to be used for this purpose after this application is considered by the Cochise County Board of Supervisors. Due to its large building size, the Property and greenhouse are ideally situated for other plant type cultivation such as medical marijuana. Pursuant to State law and County ordinance requirements, the applicant proposes to use part of the greenhouse area for cultivation and infusion of medical marijuana.

The proposed use will have no impact whatsoever on the surrounding and adjacent properties. The operations of the facility will remain the same as they currently exist today along with the other agricultural uses. All activities will occur inside the locked and enclosed facility and the facility will comply with state requirements with regard to video surveillance and County ordinance requirements. In its simplest form, the grower has decided to merely add another plant type to its existing operation. As a result, there will be no changes to the exterior of the site and the status quo will remain

60 E

the same as its current agricultural operation. Further information regarding the facility and its operations are outlined in the attached application questionnaire. It is anticipated that this application will be heard by the Planning Commission in Sept 2013.

Thank you for your attention to this matter and, as always, I appreciate your assistance. Please do not hesitate to contact me at 602-230-0600 or at [adam@witheymorris.com](mailto:adam@witheymorris.com) if you have any questions or you need additional information.

Very truly yours,

WITHEY MORRIS P.L.C.

By 

Adam Baugh





July 11, 2013

**Re: 5900 Greenhouse Rd / Pre-App 12-24**

Dear Neighbor or Interested Party:

The purpose of this letter is to inform you that we recently had a pre-application meeting with the Cochise County Community Development Department regarding the greenhouse facility located at 5900 Greenhouse Rd, in Willcox, Arizona. The property is zoned RU-4 and the site is improved with a large greenhouse building. Per the Cochise County Code, a medical marijuana cultivation and infusion facility is permitted in the RU-4 zoning district, subject to obtaining a Special Use Permit. The applicant, West Edge, proposes to operate a medical marijuana cultivation and infusion facility at this location. The purpose of this letter is to introduce ourselves and let you know our plans for the property.

As you know, Arizona voters voted to approve the use of medical marijuana as an alternative pain treatment for a limited number of debilitating medical conditions such as cancer, glaucoma, and Alzheimer's disease among others. Subsequently, Cochise County adopted appropriate zoning regulations to permit and regulate these types of uses. Per state law, a state-approved cultivation facility is required to provide medication to a state-licensed dispensary.

The proposed use is appropriately located in a rural area specifically identified by the County as an ideal location for a cultivation facility. The site fully conforms to all the required State and County spacing requirements from schools, libraries, residential uses, and other medical marijuana facilities. The cultivation and infusion facility is governed by State and County laws that mandate strict compliance with operation and security regulations including video surveillance and monitoring, and mandatory spacing requirements from residential areas and schools. Moreover, there can be no sale or exchange of medication at this location. The facility will only be used for cultivation and manufacturing, and is not open to the public. To be clear, a medical marijuana dispensary is not proposed and there will be no product for sale at this location.

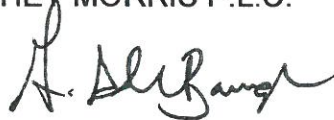
A Special Use Permit application is being prepared for submittal to the County. Please be advised that hearings before the Planning and Zoning Commission will be planned to review this case. Specific meeting and hearing dates have not yet been set. You should receive a second mailing in the near future identifying the date and location of the hearings.

In the meantime, I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me by phone at (602) 230-0600, by fax at (602) 212-1787, or by e-mail at adam@withey-morris.com. You may also contact Keith

Dennis at the Cochise County Community Development Department directly at 520-432-9240 if you have any questions.

Very truly yours,

WITHEY MORRIS P.L.C.

By 

G. Adam Baugh



**From:** Bob Brown [savethechildren2000@yahoo.com]  
**Sent:** Tuesday, August 06, 2013 11:07 AM  
**To:** Dennis, Keith  
**Subject:** Re: FOR THE FILE

Dear Mr. Dennis,

Thank you for your help by sending Save the Children 2000 Committee a copy of the SUP application. We strongly request this application for an Medical Marijuana Cultivation and Infusion SUP be denied. Please note the massive 300,000 square feet Tomato Greenhouse will produce over 30,000 lbs. per year of Marijuana, that's enough marijuana to provide almost pound per Medical Marijuana patient per year in the entire state of Arizona. According to NORML an average medical marijuana patient needs about .8 lbs. per year. That is just too big a building to authorize for this special use permit.

The zoning of this Greenhouse is just pure greed and nothing else. It creates a very dangerous situation with \$210,000,000.00 dollars per year of Marijuana being grown in Cochise County. No matter how it is protected the drug will find a way to our children and criminals. Greed will find a way and it must be stopped now, while you have a chance. Too much is just too much and its time for Cochise County to take a stand and just say NO.

Fact: This one Greenhouse will produce more marijuana than the entire state of Arizona can smoke or eat in a year.

Also note that there are 85 other dispensaries growing marijuana in Arizona for their customers, each for their own area. If the SUP is approved in Cochise County, the 30,000 lbs. of Marijuana per year will have to go somewhere, these greedy people are not buying this greenhouse for \$5,000,000 and just because they care about the patients, and they are not going to throw the marijuana away. They will sell it to anyone they can, legal or not, no matter where the money for the drugs comes from, and that will harm our children, increase crime, especially theft for drugs, and destroy our society.

We strongly recommend the County Supervisors and Planning Board consider a 3000 square foot limit on cultivation and infusion, as other cities and counties have done. Northern California has had enough of the pot growing business and restricted its growers to 100 square feet of plant canopy. This is based on years of experience with this shady industry and putting up with the abuses. Now these Northern Californians want to have a free hand in Wilcox to grow 15 tons per year of their drugs and ship them all over the Country.

There is also no reference to the dispensary license or copy of the dispensary license attached to the application. **We hereby request a copy of the license to confirm the status of the dispensary and its location.** The dispensary license is the only legal way Westedge

64 E

LLC can grow and sell the marijuana. Although the State has not regulated the size of these facilities, many local and county governments have enacted a 3,000 square foot maximum.

It is the time to vote NO or place stringent restrictions of 3000 square feet on the amount that can be grown in Cochise County.

Respectfully requested,  
Committee to Save our Children 2000

**From:** "Dennis, Keith" <KDennis@cochise.az.gov>  
**To:** "savethechildren2000@yahoo.com" <savethechildren2000@yahoo.com>  
**Sent:** Monday, August 5, 2013 1:36 PM  
**Subject:** FW: Greenhouse SUP application submittal

Per your request.







# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Keith Dennis, Planner II  
**FOR:** Beverly J. Wilson, Planning Director  
**SUBJECT:** Docket SU-13-13 (AIRES, LLC)  
**DATE:** August 30, 2013, for the September 11, 2013 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant seeks to legitimize an existing Day Care Establishment operating within an existing 3,300-square foot home. The proposed business includes provisions for up to 20 adults and up to 15 children, and as many as 15 employees. This land use is allowed by Special Use Authorization per Section 607.41 of the Zoning Regulations. The subject Parcel (107-68-018J) is located at 4100 Ranch Road in Sierra Vista, AZ. The Applicant is AIRES, LLC, represented by Diane Logan.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.15-Acres  
Zoning: Rural (RU-4; one home per 4-acres)  
Growth Area: Category D (Rural)  
Comprehensive Plan Designation: Rural Residential  
Area Plan: Sierra Vista Sub-Watershed  
Existing Uses: Day Care Establishment

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant Land
South	RU-4	Rural Residential
East	RU-4	Rural Residential
West	RU-4	Rural Residential

### II. PARCEL HISTORY

2001 – Permits issued for single-family residence with well and septic system.

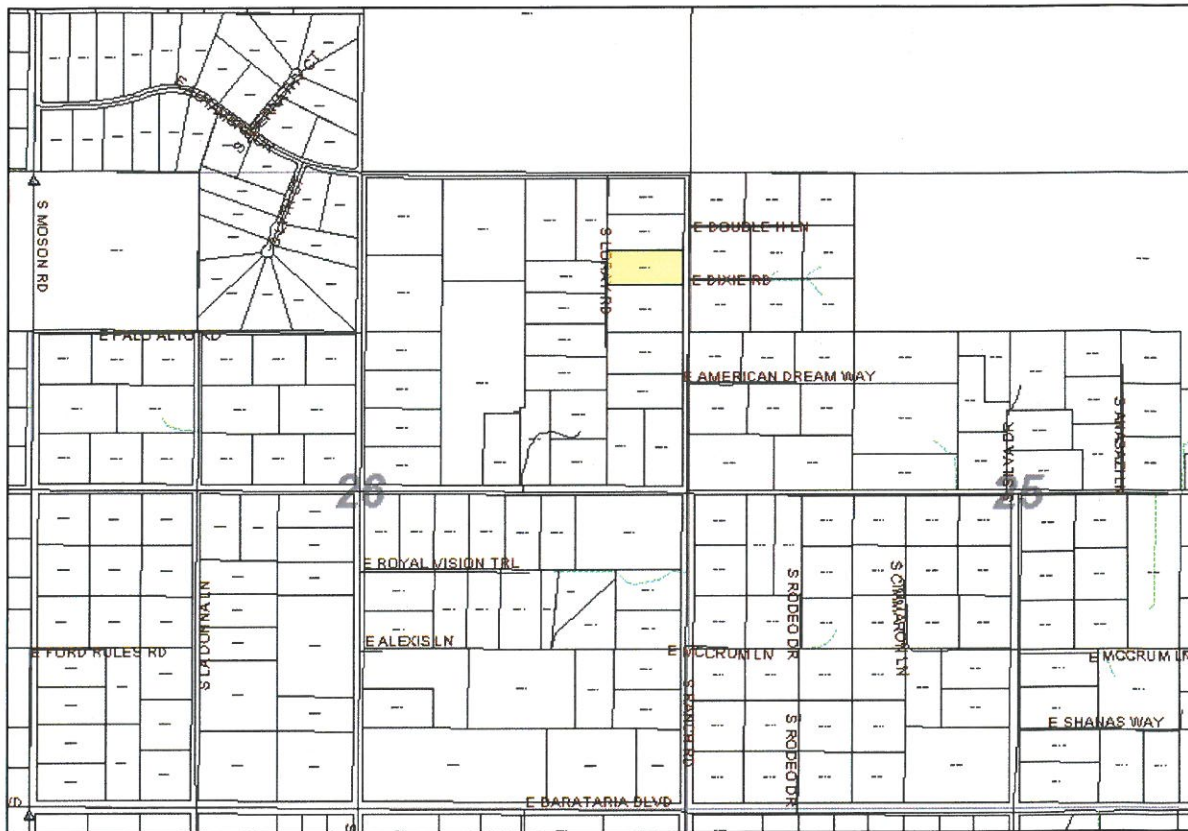
2002 – Permit issued for swimming pool (this pool has since been filled in and is no longer used).

2006 – Permits issued for 576-square foot garage and 288-square foot shed. At the time the Applicants purchased the property, this garage had been converted into an accessory residence.

66

2013 (January) – AIRES began operating the business on the property.

2013 (May) – Applicants were cited with a Zoning Violation for operating a business without a permit. The Special Use request is intended to rectify this Violation.



*The property is located on Ranch Road, East of Moson Road in unincorporated Sierra Vista*

### **III. NATURE OF REQUEST**

The Applicant for this project is Arizona Integrated Residential and Educational Services (AIRES). AIRES, LLC. provides personal care for adults and children with developmental disabilities throughout Arizona. In January of 2013, the company began operating a day care program for children and adults on the subject property. Day care operations such as these required certification through the Arizona Department of Economic Security's Office of Licensing, Certification and Registration. The Applicant has obtained the requisite certification through this agency (See Attachment F). The program provides daytime care and activities for as many as 20 adults, and provides an after school program for 15 children. The Special Use Application states that the business currently employs 12 people on site, with 15 possible in the future. Some employees that reside in other parts of the state occasionally stay in the accessory dwelling.

The business utilizes an existing home on the property from the hours of 8:00 a.m. to 7:00 p.m. Adults and children are transported to and from the property in one of four company vehicles assigned to this site; adults in the program are often transported to off-site program activities in

67



Sierra Vista. The Application also states that a possible long term plan for the business is to provide respite care on an overnight basis for one individual at a time.

This type of overnight care would otherwise be deemed within the scope of a Residential Care Home, which is a principal permitted use in the Rural District, subject to residential building code and development standards. This potential use was not advertised as part of the Special Use application as it is an as-of-right use. The Applicant has been advised that if the Special Use is authorized by the Commission, the required commercial permit process should include a Residential Care Home as an authorized use on the property.



*The AIRES daycare business. The home is surrounded by block fencing.*

#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of 10 factors used to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Eight of the 10 criteria apply to this request. The project as submitted complies with two of the eight applicable Special Use factors, as submitted. If the Conditions of Approval and development standard Modifications requested by the Applicant are applied, the project would comply with seven of the eight applicable factors.



**A. Compliance with Duly Adopted Plans: Complies (See Condition #5)**

The structures on the site are already built, including water fixtures. Any new construction on the property would automatically be subject to water conservation standards per the *Sierra Vista Sub Watershed Policy Plan*.

Condition #5, recommended by staff, is a standard approval condition obliging the Applicant to fulfill all other permit and regulatory requirements as may be applicable now and in the future; this Condition would provide an additional assurance of compliance with these standards.

**B. Compliance with the Zoning District Purpose Statement: Complies**

Section 601.02 of the Zoning Regulations articulates the purpose of the Rural Districts as supporting “those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.”



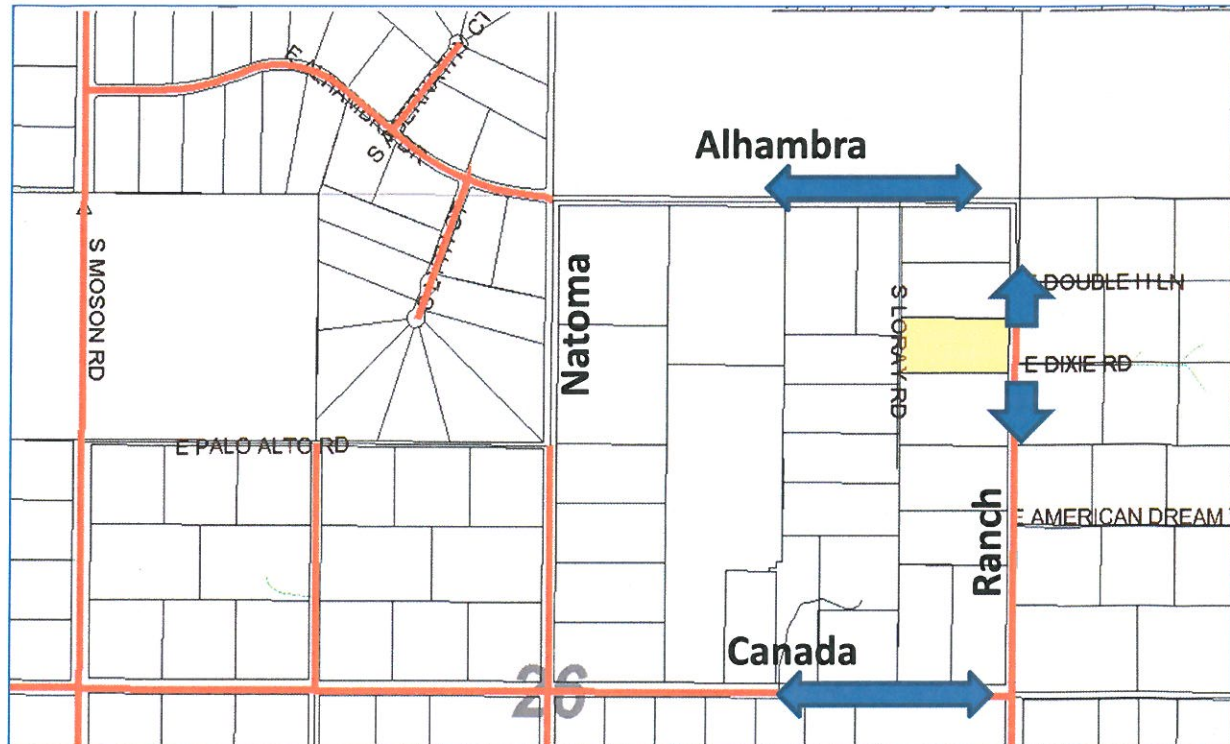
*Looking west at the paved, wheelchair accessible van loading area*

**C. Development Along Major Streets: Not Applicable****D. Traffic Circulation Factors: Complies (Subject to Conditions #2 and #3)**

Compliance with this factor depends upon the ability of a proposed land use to utilize the existing transportation network in the manner in which it was designed, and upon permitting access driveways and dedication of right-of-way where applicable. The project site accesses Ranch Road, a County-owned and maintained, paved road. The traffic path to and from the site follows paved, County-maintained roads, which connect to Moson Road to the west.



To ensure compliance with this factor and to protect the paved Ranch Road surface, staff recommends, as Condition of Approval #2, that the Commission require the Applicant to obtain a right-of-way permit and install a commercial apron on the Ranch Road access constructed to County standards.



*Circulation to and from the site (yellow). Orange lines represent the extent of County maintenance.*

The Special Use application states that traffic will proceed along Ranch Road south of the property, to take advantage of the maintained, paved road surface linking the property to Moson Road. However, some employee traffic utilizes the roads north of the property, connecting to Moson via Alhambra Drive. County maintenance of Ranch Road – and the paved surface – ends just north of the property; the road continues for an additional 400-feet where it connects to Alhambra. County maintenance on Alhambra begins west of the Natoma Trail intersection.

Condition #3 would require the Applicant to enter into a modified private maintenance agreement prior to permit issuance. In addition to agreeing to maintain the roadway in a safe, drivable condition, the Applicant would also be required to contribute a share of costs to any property-owner led effort to maintain and/or upgrade this section of road, should any such effort be undertaken in the future.

#### **E. Adequate Services and Infrastructure: Does Not Comply (See Conditions #1 and #4)**

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property. There are a number of existing conditions on the site that are inadequate for the use currently taking place on the property. The septic system, for example, was designed with a capacity to serve a single-household dwelling rather than a daycare operation with up to 50 users. The second dwelling, which was permitted as a garage but



appears to have been converted into a second dwelling by a previous owner, is closer than the 15-feet required per building code fire separation requirements; principal structures such as dwellings and daycare establishments are required to be fitted with additional fire protection measures if closer than 15-feet.

Building and fire codes both require that uses with this level of occupancy (Institutional I-4) include a sprinkler system on the interior.



*Employee parking area along the north side of the developed area of the site*

Furthermore, the site lies within the Fry Fire District, which has expressed “concern regarding the fire and building code life/safety violations currently occurring at this facility” (*See Attachment D*). Because this area is not served by fire hydrants, the Fire District may require an on-site water storage tank for use by fire engines, in addition to the tank that would be required to serve the sprinkler system. Condition #4 would obligate the Applicant to abide by building and fire code requirements as part of the commercial permit process.

In order to facilitate compliance with local life-safety codes as soon as possible, staff is recommending a modified Condition #1, which would require the Applicant to begin the permitting process for this land use within 30 days of Commission action, and that a permit be issued within 90 days of approval.

**F. Significant Site Development Standards: Complies (Subject to Condition #1 and Requested Modifications)**

As submitted, the project site complies with most applicable site development standards. The site plan is deficient with regard to the standard requiring a 24-foot wide, two-way driveway on



the property. Staff has no issue with allowing driveways of less than 24-feet, nor with the request to allow a native surface. From an internal circulation standpoint, the site is in good condition.



*The garage was converted into living quarters by a previous owner. It is separated from the main house by eight feet (15 feet required)*

The Applicant has requested four Modifications to development standards as part of this request (See Attachment G). These are supported by staff:

1. To allow the existing driveways to remain at their current width, which varies from 12-feet to 20-feet throughout the site (24-feet required);
2. To allow the existing native surface on these driveways to remain (2-inch deep gravel surface required);
3. To allow two small identification signs at the property entrance (only one such sign is allowed per street frontage); and
4. To allow the accessory dwelling on the property to remain eight-feet from the main house. Note that the standard here, provided in Section 604.05, requires 15-feet of separation for *principal structures*. The dwelling having originally been permitted as a garage meant that a lesser distance was applied when these structures were built. The conversion of the garage into a principal structure (dwelling) triggers the 15-foot separation standard – as well as additional building code requirements (Condition #4).



**G. Public Input: Complies**

The Applicant completed the Citizen Review process and received no response (*See Attachment E*).

**H. Hazardous Materials: Not Applicable**

Per the Applicant, no hazardous materials are to be stored or utilized on site.

**I. Off-Site Impacts: Complies (Subject to Conditions #2 and #3)**

Off-site impacts associated with this project are primarily traffic-related. It should be noted that the neighbor immediately south reports that the "low frequency sound generated by the current number of idling vehicles is most annoying."

**J. Water Conservation: Complies (Subject to Condition #5)**

As a business utilizing an existing site, the Applicants intend to use existing water fixtures. In the event that any new water fixtures are constructed, Condition #5 would require that any new construction conform to the policies of the *Sierra Vista Sub-Watershed Policy Plan*.

**V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on August 15, 2013 and published a legal notice in the *Bisbee Observer* on August 22, 2013. In response to this mailing, the Department received correspondence from one neighbor, who offered qualified support for the request, provided that business hours are adhered to and that traffic in the area does not increase beyond its current level. Staff also received one letter from a neighbor opposed to the business, citing traffic concerns.

**VI. SUMMARY AND CONCLUSION**

This Special Use request comes as a result of a Zoning Violation for operating a business without a permit. The business is one that serves a vulnerable population. Although, as part of the certification process, the facility was inspected by state officials, the absence of a local land use permit prior to operation means that important life-safety requirements were not put in place.

Special Uses applications are analyzed primarily from the standpoint of mitigating off-site impacts. In this case, the position of the Community Development Department is that off-site impacts, particularly as they relate to traffic and circulation, can be effectively mitigated. Special Use authorization by the Planning Commission is the first step in a process that usually results in a non-residential permit, in which life-safety considerations as required under building and fire codes are addressed. Staff's position is that this request should proceed to the non-residential permit phase as soon as possible, so that requirements relative to the health safety and welfare of those served by the business can be met.

**Factors in Favor of Approval**

1. With the recommended Conditions of Approval and requested Modification, the proposed use would comply with each of the eight applicable Special Use factors used by staff to analyze such requests;
2. Per Section 601.02 of the Zoning Regulations the proposed use is appropriate in the Rural Districts;
3. The recommended Conditions of Approval would mitigate off-site impacts;
4. The proposed use would use existing structures; and
5. One neighbor has offered qualified support for the project provided that it stays within its current operational scope.

**Factors Against Approval**

1. The Special Use request is intended to rectify a Violation for operating a business without a permit;
2. There are ongoing life/safety fire code violations occurring on the property as a result of establishing the business prior to obtaining a permit;
3. There are significant issues associated with adequate services and infrastructure on the property; and
4. One neighboring property owner opposes the use.

**VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 30 days of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 90 days of the Special Use approval, otherwise the Special Use may be deemed void upon 15-day notification to the Applicant;
2. As part of the commercial permit process, the Applicant shall obtain a right-of-way permit from County staff, and install a commercial-grade access apron at the Ranch Road access in accordance with County Highway Department standards;
3. Prior to permit issuance, the Applicant shall enter into a private maintenance agreement with County staff to ensure that those portions of Ranch Road and Alhambra Drive which are outside the County maintenance system are maintained in a safe, drivable condition. This agreement shall also require that the Applicant contribute a share of costs to any property owner-led effort to maintain and/or upgrade this section of road;



4. As part of the commercial permit process, the Applicant shall bring the use into compliance with all life-safety standards and codes as required under County building codes, and satisfy all requirements of the Fry Fire District;
5. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
6. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Staff also recommends that the following Modifications to development standards be applied to the land use as part of such approval:

1. To allow the existing driveways to remain at their current width, which varies from 12-feet to 20-feet throughout the site (24-feet required);
2. To allow the existing native surface on these driveways to remain (2-inch deep gravel surface required);
3. To allow two small identification signs at the property entrance (only one such sign is allowed per street frontage); and
4. To allow the accessory dwelling on the property to remain eight-feet from the main house.

*Sample Motion: Mr. Chairman, I move to approve Special Use Docket SU-13-13, with the Conditions of Approval and Modifications to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

#### **VIII. ATTACHMENTS**

- A. Special Use Questionnaire
- B. Location Map
- C. Concept Plan
- D. Agency Comments
- E. Citizen Review and Public Comment
- F. Arizona Department of Economic Security Certification and Inspection Report
- G. Request for Modifications



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE

(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 107-62-018J

APPLICANT: Diane Logan on behalf of AIRES, LLC

MAILING ADDRESS: 824 E. Fort Lowell Road Tucson Arizona 85719

CONTACT TELEPHONE NUMBER: Diane Logan cell phone: (520) 510-6316

PROPERTY OWNER (IF OTHER THAN APPLICANT): AIRES, LLC

ADDRESS: 824 E. Fort Lowell Road Tucson Arizona 85719

DATE SUBMITTED: July 24, 2013

Special Use Permit Public Hearing Fee (if applicable) \$ 300.00

Building/Use Permit Fee \$ N/A

Total paid \$ 300.00

### PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 x 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.

*PAID 7/22/13*  
*\$300.00*  
*CHECK # 1680*

*76 A*



5. Citizen Review Report, if special use.
6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases
- 10.

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property?

Ranch Road is a property that AIRES purchased to provide a day program for adults and children with developmental disabilities.

2. What is the proposed use or improvement?

Use of the property if for AIRES to provide a day program for adults with developmental disabilities. We also provide an afterschool/summer program for children with developmental disabilities. This is the only state funded program for children with disabilities in the Sierra Vista area. AIRES is one of two state funded adult day program providers in the Sierra Vista area.

77 A

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties?

The day program for adults (funded through DES/Division of Developmental Disabilities) runs Monday through Friday. Program hours are 8am – 4pm. We are closed for some major holidays. The program currently provides services to 20 adults with developmental disabilities. These are adults who have varying levels/types of developmental disabilities such as mental retardation, cerebral palsy, autism, epilepsy, or multiple disabilities. Many of these adults are in wheelchairs and all require staff supervision at all times.

The afterschool/summer program currently serves 15 children. The service hours for children varies based on the time of year and parental need. During the school year, the program operates after school until 7pm. The summer program occurs during traditional business hours through 6pm.

Although the staff to consumer ratio may vary based on the specific supervision/support needs of the consumers, generally there are about 1 staff assigned for every 3 consumers. Staff hours are consistent with the program operation hours, with the exception that staff may be scheduled for an hour before or after typical program hours. AIRES currently has 12 staff assigned to work in these programs.

AIRES may also at some point in the future use this home to provide respite services on evenings or weekends. Respite is used for consumers who live in their own homes with a caregiver or their family and is designed to give the family caregiver a break. The staff to consumer ratio for respite is generally one staff for each consumer, but may be 1:3 if needed. Respite would generally be provided to one consumer at a time.

AIRES may also use the home for overnight accommodations for AIRES staff who are working for AIRES in the Sierra Vista area but live elsewhere in the state.

AIRES does not anticipate that our use of the home will impact neighboring properties, with the exception of some increased traffic. AIRES provides transportation for the consumers to and from the day program. Most of the transportation is provided using traditional vehicles such as vans and cars. We do, however, have one "mini-bus" that allows us transport a number of consumers in their wheelchairs. The road to our property is paved. Currently this translates to about 1 car, 6 vans and 1 mini-bus that drive to and from the home each morning and afternoon, in addition to the staff vehicles.

4. Describe all intermediate and final products/services that will be produced/offered/sold.  
See #3.



5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal).

AIRES is using the home (wood/stucco) that was on the property. We do not have a plan to construct additional buildings on the property.

6. Will the project be constructed/completed within one year or phased? One Year \_\_\_\_\_  
Phased \_\_\_\_\_ if phased, describe the phases and depict on the site plan.

N/A

Provide the following information (when applicable):

A. Days and hours of operation: Days: Monday - Friday Hours (from 8 AM to 6 PM)

B. Number of employees: Initially: 12 Future: approximately 15

Number per shift Seasonal changes N/A

C. Total average daily traffic generated:

- (1) How many vehicles will be entering and leaving the site?

20 (estimated – see #3 for more detail)

- (2) Total trucks (e.g., by type, number of wheels, or weight)?

0 ( see #3 for more detail)

- (3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

The majority of the traffic will arrive at the home via Hi-way 90 and travel south on S. Moson Road, turning east on E. Canada, and turning south on S Ranch Road.

- (4) If more than one direction, estimate the percentage that travel in each direction?

N/A

- (5) At what time of day, day of week and season (if applicable) is traffic the heaviest?

Most traffic will occur Monday through Friday between 7:30–8:30am and 3:30–4:30pm.

D. Circle whether you will be on public water system or **[private well]**. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 1500 per year 378,000

E. Will you use a septic system? Yes X No     

If yes, is the septic tank system existing? Yes X No     

Show the septic tank, leach field and 100% expansion area on the site plan.

**F. Does your parcel have permanent legal access\*? Yes X No**

***If no, what steps are you taking to obtain such access?***

\_\_\_\_\_  
\_\_\_\_\_

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):      private road or easement\*\*

  X   County-maintained road

     State Highway

\*\*If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

**G. For Special Uses only - provide deed restrictions that apply to this parcel if any.**

Attached      NA   X  

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Well on site	N/A
Sewer/Septic	Septic	N/A
Electricity	SSVEC	N/A
Natural Gas	Propane tank on site	N/A
Telephone	Century Link	N/A
Fire Protection	Fry Fire District	N/A

80 A



## SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

As a part of service provision, AIRES staff and consumers will do activities outside such as caring for the grounds, playing yard games, having picnics, etc. These outdoor activities would be similar to having a family gathering outside.

2. Will outdoor storage of equipment, materials or products be needed? Yes \_\_\_ No X if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

N/A

3. Will any noise be produced that can be heard on neighboring properties? Yes X No \_\_\_ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

AIRES does not anticipate that the outdoor noise level would be so significant that any measures will need to be taken. Sounds that could be heard may be people talking, laughing, singing, etc. It should be similar to what may be heard if there were a family gathering in the yard of any traditional home.

4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No X if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties?

N/A

5. Will odors be created? Yes \_\_\_ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties?

N/A

6. Will any activities attract pests, such as flies? Yes \_\_\_ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties?

N/A

7. Will outdoor lighting be used? Yes X No \_\_\_ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

We did install a solar light at our driveway entrance to light the gate area. The height/brightness of the light should not have an impact on neighboring properties.

8. Do signs presently exist on the property? Yes X No \_\_\_ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

An 18"x24" sign is attached to the fence next to the gate on the driveway to the property. This was added at the request of the next door neighbor.

Will any new signs be erected on site? Yes \_\_\_ No X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

No additional signs are planned. Permit application for the sign described above is included.

9. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?  
Yes \_\_\_ No X

***If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No \_\_\_***

Will washes be improved with culverts, bank protection, crossings or other means?

Yes \_\_\_ No X

If yes to any of these questions, describe and/or show on the site plan.

10. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

With the exception of the pre-existing cement driveway immediately in front of the garage, all other driveways and parking areas are natural with no additional surfacing.

11. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)
12. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?  
Yes \_\_\_ No X If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

### **SECTION C - Water Conservation and Land Clearing**

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Community Development Department, Planning,



Zoning and Building Safety has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

The swimming pool/hot tub that was on the property at the time of purchase has been filled in. This area of the yard was covered with gravel. Approximately 30 square feet of area was cleared of vegetation for parking of staff vehicles and the driveway area was widened a few feet on each side to accommodate two-way traffic is needed. No other clearing is anticipated.

2. How many acres will be cleared? \_

Less than one acre has been cleared as describe in #1.

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) N/A

#### **SECTION D - Hazardous or Polluting Materials**

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes \_\_\_\_\_ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. **The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)**

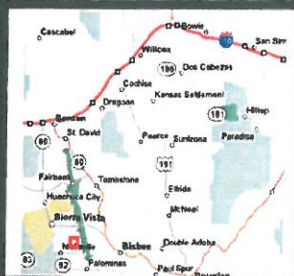
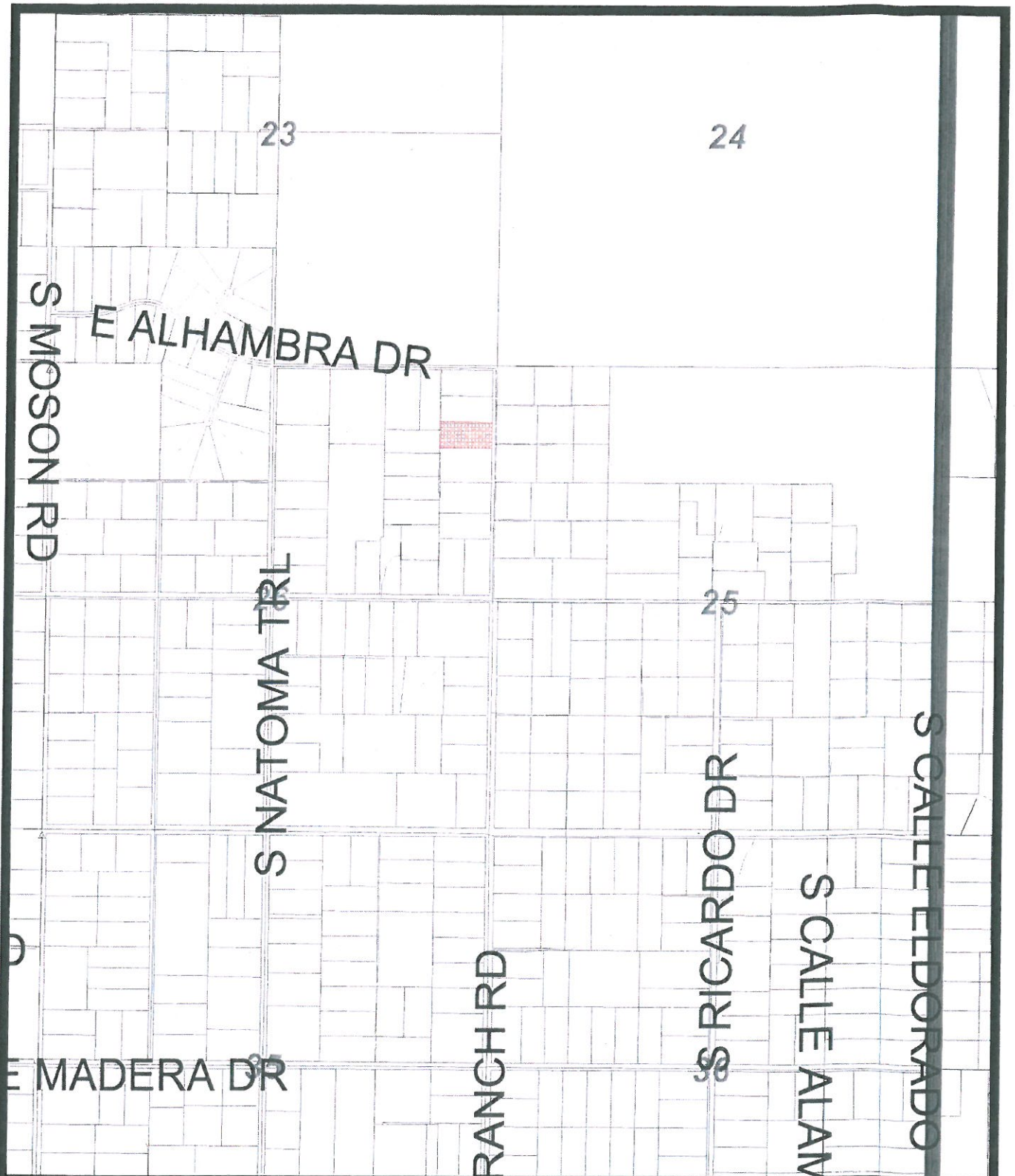
#### **SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Dianahogan AIREs VP/CAO

July 22, 2013

83 A



Docket SU-13-13  
(Aires)  
Location Map

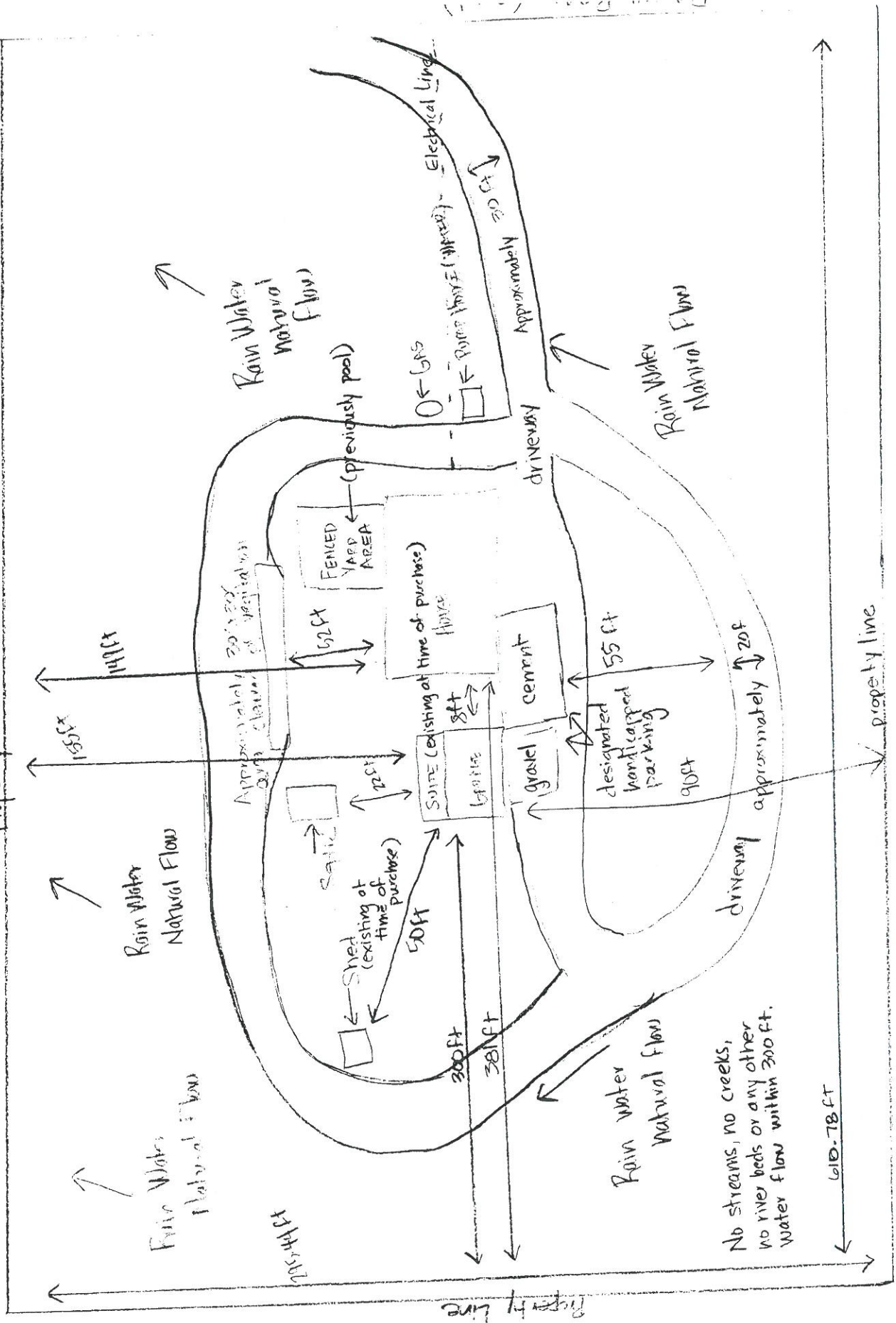
This map is a product of the  
Cochise County GIS



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NA Revised 8-28-13



4100 SOUTH RANCH ROAD SIERRA VISTA AZ SITE PLAN

35 C



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**Date:** August 26, 2013  
**To:** Keith Dennis, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** AIRES Care Home: SU 13-13/Parcel #107-62-018J

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The applicant is applying for a Special Use Authorization to legitimize an existing day care facility operating in an existing residential home. Access to the site is from Ranch Rd., a county-maintained, chip-sealed roadway to Canada Drive, also a county-maintained roadway westbound from the intersection and a private, native-surfaced roadway eastbound from the intersection. Alternative access can also be made via a private, native-surfaced roadway that continues Ranch Rd. further northward, then westward along the Alhambra alignment which then connects up again to a county-maintained segment which connects to Moson Rd.

### **Traffic Analysis**

Trip generation, based on the number of potential clients (up to 35 per day), number of employees (up to 12) and the square footage of the proposed facility, is estimated to average 61 vehicle trips per day, per the ITE Manual, 8<sup>th</sup> edition. This proposed use is not matched in the ITE Manual and this estimate is derived from similar types of uses such as day care facilities, assisted living centers and other types of care facilities. Given that this is a self-contained facility in a rural setting, thus unlikely to expand, this use could be expected to have a range of 30 to 87 trips per day. Ranges are wide for assessing this type of use in the ITE Manual and given that many of the off-site trips for this proposed use are taken as a group in a van, rather than individual cars, traffic generation is most likely to be on the lower end of the range. This proposed use will likely triple the average trip generation from this parcel from its previous use as a single family residential unit. The applicant has estimated 20 vehicles per day (40 vehicle trips per day) which falls within the ranges typically expected for this type of use.

### **Intersection Concerns**

The intersection at Ranch Rd., leading to the applicant's driveway, and Canada Drive, the primary access route to Moson Rd., has a number of issues related to configuration, surfacing, change of right-of-way ownership and directional signs and striping. The County does own partial right-of-way and part of this intersection is county-maintained, and chip-sealed. Surface type goes to a primitive native surfaced roadway and a private road also intersects from the east. As a result, the centerline of this intersection is off-set. This portion of Canada Drive is also not striped and there is not a clear left-turning lane in any

86 D



direction. Stop control exists for two legs of this intersection but vegetation and other obstructions interfere with clear sight distance and with visibility of the intersection signs.

Rural intersections such as this one are typically not a problem as residential traffic moves at slower speeds and traffic volumes are low. This new use would increase the number of vans and vehicles turning left from Canada Drive onto Ranch Rd., crossing a free-flowing traffic movement from the east.

Traveling the opposite direction, northward from the applicant's driveway, also has a number of issues related to ownership, configuration and lack of an all-weather surface. Almost immediately, the road surface goes to a primitive, native-surfaced roadway that is not county-maintained. A public easement does exist and has been privately maintained by adjacent landowners. A wash crossing occasionally results in this roadway being impassable. A full intersection does not exist at Ranch Rd. and Alhambra Drive: the roadway narrows in this area and vegetation restricts sight distance significantly. County-maintenance and a chip-sealed surface pick up again just over a half a mile from the applicant's parcel. This road is not constructed or intended for frequent traffic. At this time there are no plans to improve this roadway and wash crossing to county standards and bring it into the county-maintenance system.

#### **Recommendation and Applicant Guidance**

We have no objection to issuing the requested Special Use authorization with the following guidance to the applicant:

- A hard-surfaced apron would be required at the Commercial Permit stage, to commercial standards, if a modification on width is not granted. The commercial apron is needed to protect the edge surfacing of the county-maintained roadway given the number and frequency of heavier vans that now use the site and the increase of vehicle trips beyond that of a typical residential unit. The applicant is requested to submit a ROW/Encroachment Permit to the Highway Dept. (\$100 fee) and plan to construct a hard-surfaced driveway apron, per County standards, as part of the Commercial Permit phase. We have no objection to granting a modification, if requested, to allow the existing driveway width to remain in place.
- The site plan is adequate to illustrate the concept for this Special Use authorization request. It will not be adequate at the Commercial Permit phase. The applicant is advised that a revised site plan that clearly shows all the driveway dimensions as well as sight triangles (Roadway Design Standards D-300 & Zoning Regulation 1807.06) will be needed at the Commercial Permit stage. A separate diagram showing an inset of the driveway entrance may be helpful both for the ROW permit that will be required and for the Commercial Permit.

What we are looking for is the dimensions of the width of the driveway, the distance of those from the edge of pavement, property lines. What we want the applicant to be sure of is that no fixed objects interfere with sight distance. Our preliminary review of this application leads us to believe that there are no issues of concern.

- Given the concerns regarding turning movements at the intersection of the Ranch Road and Canada Drive there may be off-site requirements of the applicant during the Commercial Permit

phase. The Highway Dept. is assessing the need for additional regulatory signs and striping at this intersection given the increase in turning movements of vans carrying a vulnerable population group. Should intersection improvements be needed for existing conditions the Highway Dept. will undertake those improvements; however, if additional signs are needed solely to address the additional 20 plus left and right turning movements at this intersection the material costs for these signs would be assessed to the applicant, at the Commercial Permit stage, as off-site improvements (estimated to not exceed \$175.00).

- Given the concerns regarding the private roadway segment between Ranch Rd. and Alhambra Dr. of about .58 miles the applicant will be requested to sign a Private Maintenance Agreement committing the applicant to participating in any efforts that adjacent property owners might agree together to undertake to maintain or improve that segment of roadway. Although the applicant does take access directly onto a county-maintained roadway there is no guarantee that the applicant will always use only the county-maintained roadways and the level of impact multiple employee vehicles and agency vans would have on this privately maintained segment is significantly higher than that of the previous single family residential unit.

The applicant is also advised to alert their drivers to the blind corner turn and instruct them to exercise all due caution when using this alternative route to the AIRES home.

cc: Docket SU-13-013, Highway Dept.



*Intersection of Alhambra Dr. and Ranch Rd. Public Easement: Not County-Maintained*





***Cochise County Planning Department &  
Fry Fire District***

**Joint Project Review Approval for Commercial Permits &  
Subdivisions.**

Attn:

Date: September 3, 2013

Project Name: Aires, Diane Logan

Project Address: 4100 S. Ranch Road, Sierra Vista

Project Tax ID #: 107-62-018J

Scope of Project:  
Legitimize an existing day care establishment.

- ☐ APPROVED
- ☒ APPROVED with CONDITIONS
- ☐ DENIED
- ☐ APPROVAL NOT REQUIRED
- ☐ FRY FIRE FEES PAID

**Remarks:**

1. The International Fire Code (IFC) defines facilities providing custodial care for more than 5 adults or children on a less than 24 hour basis as an Institutional Group 4 occupancy (I4). IFC, chapter 2, 2006
2. An automatic sprinkler system designed in accordance with NFPA 13 is required in all Group I facilities. IFC 903.2.5, 2006
3. A manual fire alarm system will need to be installed in the building. IFC 907.2.6
4. Illuminated exit and egress lighting units with backup power will be required throughout the structure. IFC 1006, 2006
5. The entryway gate must have a minimum width of 12'.
6. The minimum fire flow requirement for this facility is 1,500 gallons per

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minute with a 2 hour duration. The fire district will accept a decreased fire flow quantity due to the fact that no water utility infrastructure is present in the area. However, an increased tank size, access and a connection to the sprinkler supply tank may be required during the commercial permit application phase. IFC Appendix B, Table B105.1, 2006

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7. A fee of .18 cents per square foot will need to be paid to the fire district during the permit phase. The fee will be collected for plan review and inspection services in accordance with the fire district's approved fee schedule.
  8. The Fry Fire District would like to express concern regarding the fire and building code life safety violations currently occurring at this facility. The owner has been advised of these violations and instructed to obtain compliance as soon as possible.
- 

*The above listed items are minimum requirements of the Fry Fire District and are primarily based on the International Fire Code, 2006. They are not meant to supersede the requirements of any other authorizing agency or building code. If at any time the listed items differ from other requirements, the more restrictive will apply.*

**Fire Prevention Officer:** Mike McKearney, Fire Marshal (520) 439-2239

Fry Fire District  
Attention: Fire Prevention Office  
4817 Apache AVE  
Sierra Vista, AZ. 85650



**From:** Sipe, Lee  
**Sent:** Wednesday, August 07, 2013 10:24 AM  
**To:** Dennis, Keith  
**Subject:** RE: Transmittal SU-13-13 (Aires LLC Day Care Establishment)

*Building Code*

*One area of concern is the building code occupancy. If kept under 16 at any one time, including employees and consumers, this will be basically a residence per building code. If more than 16 occupant at any time it will be under institution classification per building code.*

*Environmental Health*

*The amount of gallons per day discharging into the septic system is of concern, the letter states 1500 gallons per day would be discharged. The septic system was installed in 2001 and was designed for 600 gallons per day. So the septic system would need to be brought up to anticipated use.*

*Thanks*

*Lee Sipe*

COCHISE COUNTY  
Building Inspector/Plans Examiner  
(520) 432-9240  
[lsipe@cochise.az.gov](mailto:lsipe@cochise.az.gov)

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**From:** Dennis, Keith  
**Sent:** Friday, August 02, 2013 5:03 PM  
**To:** Lambertson, Karen; Couchenour, Terry E.Jr; David A. Burchard; Ellis, Ronald; Springer, Mike; Sipe, Lee; [mmckearney@fryfiredistrict.com](mailto:mmckearney@fryfiredistrict.com); [dbrush@ci.sierra-vista.az.us](mailto:dbrush@ci.sierra-vista.az.us); Corley, Rick; Capas, Carol; 'p\_edie\_99@yahoo.com'; 'bemisr@vtc.net'; Riggs, Karen  
**Cc:** Wilson, Beverly; Turisk, Mike; English, Ann  
**Subject:** Transmittal SU-13-13 (Aires LLC Day Care Establishment)

Have a good weekend, everyone.

Keith Dennis - Planner II  
Cochise County Planning Department  
1415 Melody Lane  
Bisbee, AZ 85603  
520-432-9240

"Public Programs - Personal Service"  
[www.CochiseCounty.com](http://www.CochiseCounty.com)

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## Citizen Review Report

**Re: 4100 South Ranch Road Sierra Vista, AZ (Parcel # 107-62-018J)**

A letter was sent to all addresses of neighboring property owners (mailing list provided by Cochise County Community Development Office) on June 12, 2013. (See attached).

As of July 18, 2013, none of the letters sent were returned to AIRES as undeliverable.

As of July 18, 2013, AIRES has received no phone calls, emails or any other form of correspondence or response to the letters from any of the neighbors.

Since there was no response, no further action was taken.

**AIRES**

92



June 12, 2013

Dear Neighbor,

AIRES recently purchased a home at 4100 South Rand Road in Sierra Vista. The Cochise County Community Development Office gave us your contact information since our newly purchased home is near your property. We will be pursuing a special use permit for our property as we are using the home for something other than a family living there.

So we would like to take this opportunity to introduce ourselves to you. AIRES is a company that provides services to people with developmental disabilities. We have been providing services in the Sierra Vista area for over 20 years, and we have services in other areas of the state as well. We provide group homes, in-home supports, employment supports and day programs for people in Sierra Vista who have a disability (like mental retardation, cerebral palsy, epilepsy or autism.) Most recently in Sierra Vista, we began to provide an afterschool and summer program for children with disabilities.

At the Ranch Road home we purchased, we are providing day programs for children and adults.

Our day programs for adults with disabilities run Monday through Friday from 8:00am to 4:00pm. We have about 20 adults that come to our program.

Our children's program hours vary throughout the year, since our program offers a place for children with special needs to go when they are not in school. So generally, during the school year, our kids are at the program during after school hours until 7:00pm. Then in the summer they may be there from 10:00am to 6:00pm. We have about 15 children that come to our program.

We do offer transportation to the children and adults in our program so we have vans that we use to bring them to and from the program. We also take our children and adults for community outings in these vans.

AIRES has staff at the program to support and supervise the children and adults while they are at the program. It is our goal to help each of these children and adults to develop the skills they need to live their lives as happily and independently as they are able to.

**AIRES**

93

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We do things like help our consumers to learn new skills like cooking, playing games, using money, housekeeping, making crafts, gardening, etc. If you aren't familiar with programs for people with disabilities then a good comparison for you may be to think of a day care or school. People who go to day care or school are there to learn new things and to be safe and happy. That's what we do. We try to help each of our children and adults to be the best that they can be.

We are NOT a place where people with challenges with drugs, alcohol or problems with the legal system come to spend their days. We are NOT a 'half-way house' or place for "juvenile delinquents". The children and adults we support are NOT "dangerous".

We may have a staff caretaker at the home on evenings and weekends; or we may provide some temporary respite for one our children or adults during evenings or weekends. Respite is when our staff gives the regular caregiver (parent or family member) a break from taking care of the child or adult with disabilities.

If you have internet access, we encourage you to visit our website at [www.aires.org](http://www.aires.org) to learn more about whom we are and what we do.

AIRES always tries very hard to be good neighbors. We take pride in the services that we provide. We take pride in the buildings and homes we use to provide those services.

If you have any questions about whom we are and what we do, please feel free to contact us.

I am Diane Logan and I am the Vice President/Chief Administrative Officer for AIRES. I can be reached best by cell phone (520 510 6316) or email ([dlogan@aires.org](mailto:dlogan@aires.org)). You can also contact John Clarke. He is our District Director for the Sierra Vista area. He can best be reached by cell phone (520 227 6679) or email ([jclarke@aires.org](mailto:jclarke@aires.org)).

John and I are happy to talk with you at any time. We will answer any questions you might have or listen to any concerns or comments you might have. We would appreciate hearing from you. If you would like to arrange a time meet with us, we are happy to do that. If you would like to arrange a time with us to come and see what we are doing at Ranch Road, we are happy to do that too.

John and I are looking forward to hearing from you and hopefully getting the chance to meet you.

Sincerely,

Diane Logan  
AIRES VP/CAO

AIRES

94 E



## Special Use: Docket SU-13-13 (Logan)

YES, I SUPPORT THIS REQUEST: PROVISIONALLY if the following issues are not changed in an increased or  
Please state your reasons: negative manner:

The facility's apparent operating hours of 8 a.m. to 6 p.m. weekdays only, not open on weekends or holidays;

The incident of heavier traffic in a *de facto* residential area;

The low frequency sound generated by the current number of idling vehicles is most annoying.

NO, I DO NOT SUPPORT THIS REQUEST:

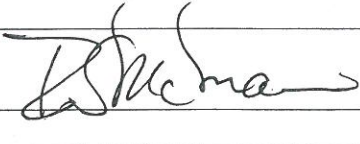
Please state your reasons:

(Attach additional sheets, if necessary)

Richard McMains

PRINT NAME(S):

SIGNATURE(S):

 24 Aug. 2013

107-62-018K

YOUR TAX PARCEL NUMBER: \_\_\_\_\_ (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, August 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

AUG 27 2013  
PLANNING

95 E

## Special Use: Docket SU-13-13 (Logan)

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

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☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

They drive too fast for a neighborhood in the country. They are unfriendly. Have increased traffic volume considerably & a result is increased traffic safety. I do not live adjacent to the property but all of my encounters with them while they are transporting people has been unpleasant. There has been at least one episode of patients wandering in the area.

(Attach additional sheets, if necessary)

PRINT NAME(S):

DAVID L. HIGGINS

SIGNATURE(S):

David L. Higgins

YOUR TAX PARCEL NUMBER: 10761002 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, August 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

96 E



**ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

**Office of Licensing, Certification & Regulation**

**Home & Community Based Services**

**Certificate**

**Arizona Integrated Residential &  
Educational Services (AIRES)**

*is hereby certified for*

<u>Service(s)</u>	<u>Effective</u>
23 HOMEMAKER	JULY 01, 1998
26 RESPITE CARE	JULY 01, 1998
28 ATTENDANT CARE	JULY 01, 1996
31 NON-EMERGENCY TRANSPORTATION	OCTOBER 01, 2001
32 HABILITATION	DECEMBER 01, 1988
39 PERSONAL-CARE ATTENDANT	OCTOBER 25, 1999
42 DD DAY CARE (DAY TREATMENT & TRAINING)	DECEMBER 01, 1988

Arizona Administrative Code A.A.C. R6-6-1500, et. seq., requires the re-certification of services each year on the anniversary date of the original issue date. The certification will remain in effect yearly upon issuance of the Notice of Renewal, unless sooner suspended or revoked on an earlier date. Refer to issuance letter for applicable service or certification restriction.

Renewal Issue Date: 12/01/2010

AHCCCS Expiration Date: 11/30/2020

AHCCCS ID # 017419

97 F



DEPARTMENT OF ECONOMIC SECURITY  
*Your Partner For A Stronger Arizona*

Janice K. Brewer  
Governor

Neal Young  
Director

November 18, 2010

Arizona Integrated Residential & Educational Services (AIRES)  
Attn: Wendy Shaw, Vice President  
~~9350 E. Valley Rd., #F~~ *824 E Ft Lowell Rd*  
~~Prescott Valley, AZ 86314~~  
*Prescott Valley, AZ 86314*  
Re: Renewal Certificate

Dear Ms. Shaw:

**Home and Community Based Services  
Certification Renewal**

You have successfully met the requirements for renewal of your Home and Community Based Services certification.

The enclosed certificate replaces the certificate that was previously issued to you. The new certificate reflects that recertification is required annually. Please destroy your old certificate.

In order to maintain your certification and AHCCCS registration you must update applicable training, certifications, licenses and other requirements annually.

Please contact your DDD HCBS representative, Douglas Arnett (928) 773-4957, if you have questions regarding your certification, AHCCCS registration, or payment concerns.

Thank you for your dedication to provide services to Division of Developmental Disabilities consumers.

C:  
file

98 F



## Dennis, Keith

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**From:** Diane Logan [DLogan@aires.org]  
**Sent:** Tuesday, August 27, 2013 10:32 AM  
**To:** Dennis, Keith  
**Cc:** John Clarke  
**Subject:** RE: Site Plan Deficiencies and Modifications

Hi Keith –

Thanks for speaking with me this morning. As we discussed, I met with Mike McKearney at Ranch Road last Friday. He indicated to me that based on his observation, he would be recommending that we get a sprinkler system installed and have lighted exit signs posted. He also said he would follow up with me about the width of the gate, but otherwise, I understood that all of his original questions had been answered to his satisfaction.

I will submit a corrected site plan to you tomorrow to include the driveway area that leads to the staff parking area.

With regard to standards you mentioned below, AIRES would like to ask for a modification to accept the current driveway and parking areas as they currently exist. The current surface and width have been working well and have not presented any issues, nor did Mike indicate they would be an issue for the fire department.

We would also like to ask that we be allowed to have the two small identification signs remain in place. AIRES installed the signs in response to a request from a neighbor to have them there. The neighbor expressed that he was pleased with the signs. It is our intent to be a good neighbor.

Finally, we would also ask that the Commission make the modification to allow the secondary building to remain with the 8 feet separation as it was at the time the property was purchased.

Should you need any additional information from me, please feel free to contact me. Thanks for your assistance.

Diane Logan  
AIRES VP/CAO  
cell: 520 510 6316

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**From:** Dennis, Keith [<mailto:KDennis@cochise.az.gov>]  
**Sent:** Monday, August 26, 2013 9:54 AM  
**To:** Diane Logan  
**Subject:** Site Plan Deficiencies and Modifications

Diane, the parking area along the north side of the daycare, and the driveway leading to it, are not shown on the site plan. This is important information to include in the site plan. I would like to work with you to get the site plan in a little better shape this week. My staff report is due this week.

Also: there are zoning development standards that are not met by the site as it exists:

- Any driveways that accommodate two-way traffic are supposed to be 24-feet wide;
  - All driveways and parking areas are required to be improved with a 2-inch deep gravel surface;
  - There are two small identification signs at the front gate, but only one such sign is allowed per street frontage;
- and

- Finally, the garage that was converted into living quarters is, per the site plan, eight feet from the main house. 15-feet of building separation is required between principal structures.

If you would like, you can ask that the Commission modify any of the above to allow the existing site conditions to continue. To do so, simply write back and let us know which of the above you wish to ask the Commission to modify and your justification for the same. Bear in mind, the Commission may grant a waiver from driveway improvements (widening, graveling), but if the Fire District requires a 20-foot wide paved surface in order to provide emergency services on the property, the Commission's granting of your request may end up superseded by the Fry Fire requirements.

Let's talk this afternoon.

Keith Dennis - Planner II  
Cochise County Planning Department  
1415 Melody Lane  
Bisbee, AZ 85603  
520-432-9240

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[www.CochiseCounty.com](http://www.CochiseCounty.com)





# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner I *PM*  
**FOR:** Beverly J. Wilson, Planning Director *bw*  
**SUBJECT:** Docket SU-13-12 (Ramirez)  
**DATE:** August 27, 2013, for the September 11, 2013 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant requests Special Use authorization to use an existing 1,603-square foot manufactured home with an addition for a childcare center. The proposal requires a change of land use to Day Care Establishment, requiring Special Use authorization per Section 707.02 of the Zoning Regulations. The subject Parcel (120-15-006A) is located at 37 N. McRae Lane in St. David, AZ. The Applicant is Manuela Ramirez of the same address.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 7.52-Acres  
Zoning: Residential (TR-36; one home per 36,000-square feet)  
Growth Area: Category C (Rural Community)  
Comprehensive Plan Designation: Neighborhood Conservation  
Area Plan: St. David  
Existing Uses: Single Family Residential

#### Zoning/Use of Surrounding Properties

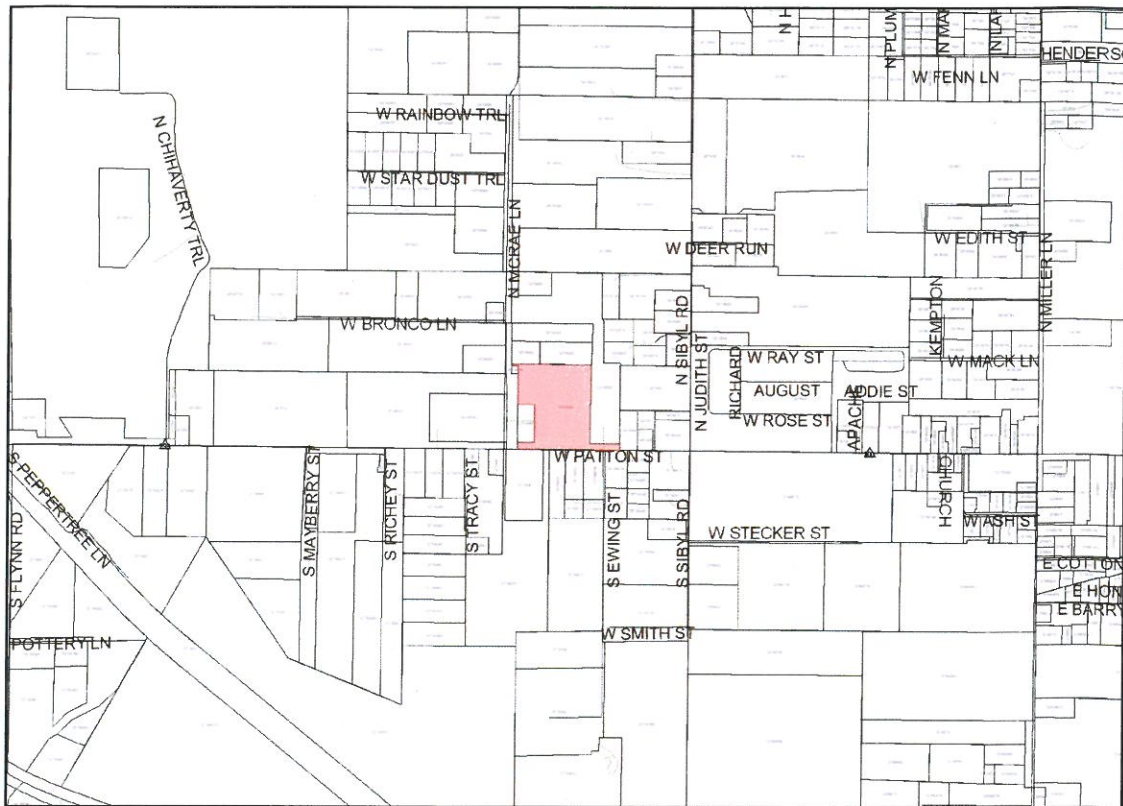
Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	Single Family Residential, Vacant Land
South	State Highway/TR-18	W. Patton Street (Highway 80)/ Single Family Residential
East	TR-36	Single Family Residential
West	TR-36	Church/Pasture

### II. PARCEL HISTORY

1983 – Permit issued for a manufactured home.  
2003 – Permit issued for replacement manufactured home. Original home was not removed as required by the permit conditions.  
2004 – Permit issued for additional manufactured home. This resulted in three home on the property, however only two were permitted.  
2005 – Permit issued to replace manufactured home, resulting in three permitted homes on the property.  
2009 – Permit issued for porch for subject manufactured home.

*101*

2013 – Permit for addition issued for subject manufactured home.



### Location Map

### III. NATURE OF REQUEST

The Applicant, Manuela Ramirez, currently cares for up to 10 children in her home. As all of the children she currently cares for are related to her, the use is not considered a Day Care Establishment under the Zoning Regulations. However, the Applicant is proposing to both increase the number of children to 12 and to begin caring for non-related children. The latter change triggers the need for a Special Use Permit for a Day Care Establishment.

#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Nine of the 10 criteria apply to this request. The project as submitted complies with eight of the nine applicable Special Use factors,. If the Modifications requested by the Applicant are applied, the project would comply with each of the nine applicable factors.

### A. Compliance with Duly Adopted Plans: Complies

The property is within the boundaries of the *St. David Area Plan*.



While the area plan does not specifically mention Special Use authorizations in areas zoned TR, the plan does encourage locally owned and operated businesses that serve the local community. By their very nature, day care facilities serve the areas in which they are located.



*View of the manufactured home and addition where the day care will take place.*

**B. Compliance with the Zoning District Purpose Statement: Complies**

The purpose statement in Article 7 makes no mention of any type of non-residential land use, however, Section 706 allows childcare in the TR Districts as a Special Use. Typically small childcare services provided in a home, rather than a school or community center setting, is considered “neighborhood serving” and compatible with residential neighborhoods such as St. David.

**C. Development Along Major Streets: Complies**

The site is located at the corner of W. Patton Road, an ADOT highway designated by the County as an arterial street, and N. McRae Lane, a county-maintained collector street. The site takes access from N. McRae rather than W. Patton.

**D. Traffic Circulation Factors: Complies**

The County Transportation Planner’s analysis concludes that the traffic generated by the proposed use would be in line with normal residential use.



**E. Adequate Services and Infrastructure: Complies**

This factor concerns the ability of the Applicant to provide for the necessary street, water, sewer, and utility services on the property.

The property is accessed by a County-maintained roadway. SSVEC, St. David Water, and Southwest Gas provide utilities, and the site lies in the St. David Fire District. The parcel is served by on-site septic systems. Therefore, the project site has adequate services and infrastructure to accommodate the business.



*View of the property looking from the structure toward N. McRae.*

**F. Significant Site Development Standards: Complies (Subject to Requested Modifications)**

As submitted, the project site complies with most applicable site development standards. The Applicants have requested one Modification to development standards, specifically the standard requiring a minimum 24-foot wide, two-way driveway on the property and the requirement that driving and parking areas be improved with a 2" thick gravel surface or better. The Applicant has asked that the Commission allow the existing 12-foot wide native driveway and native parking area to remain.

**G. Public Input: Complies**

The Applicant completed the Citizen Review process and received positive responses from two neighboring property owners and no negative responses.





*View of the property looking north across W. Patton.*

#### **H. Hazardous Materials: Not Applicable**

Per the Applicant, no hazardous materials are to be stored or utilized on site.

#### **I. Off-Site Impacts: Complies**

Off-site impacts are anticipated to be negligible for this project. The project is proposed as a child day care establishment on a site of over seven-acres. The building that will house the day care and the outdoor play area are both located more than 100-feet from any property line, and any impacts generated will be in line with a typical residential site.

#### **J. Water Conservation: Complies**

As a business utilizing an existing site, the Applicant intends to use existing water fixtures in the house. The substantial site area is largely undeveloped, non-impervious terrain, which is encouraged by the St. David Area Plan to facilitate aquifer recharge.

#### **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 1,000-feet of the subject property. Staff posted the property on August 21, 2013 and published a legal notice in the *Bisbee Observer* on August 22, 2013. In response to this mailing, the Department received correspondence from two neighbors, both supporting the request.

## **VI. REQUESTED MODIFICATIONS**

Although the existing 12-foot wide driveway on the property does accommodate ingress and egress traffic, the Applicant maintains that the driveway as it exists is sufficient. The Applicant therefore requests a Modification of the 24-foot two-way driveway standard for commercial uses, per Section 1804.06.F; the Applicant requests to allow the existing 12-foot wide, native driveway to remain. The Applicant also maintains that the existing native driveway and parking area is keeping in the character of the area and is sufficient for the limited traffic generated. The Applicant therefore requests a Modification of the 2" thick gravel surface for commercial uses, per Section 1804.07.D; the Applicant requests to allow the native surface driveway and parking area to remain. Staff supports the requests.

## **VII. SUMMARY AND CONCLUSION**

The proposed Day Care Establishment meets the criteria of the St. David Area Plan, and complies with all applicable Special Use factors with the requested Conditions and Modifications. It fits with the surrounding area and serves the local community.

### **Factors in Favor of Approving the Special Use**

1. With the recommended Conditions of Approval and requested Modification, the proposed use would comply with each of the nine applicable Special Use factors;
2. The proposed use would be a locally owned business which serves the local community in compliance with the St. David Area Plan;
3. The proposed use would generate no appreciable additional off-site impacts;
4. The proposed use would not generate significant additional traffic;
5. The proposed use would utilize existing structures; and
6. Two neighboring property owners have expressed support in writing for the project.

### **Factor Against Allowing the Special Use**

None Apparent

## **VIII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval;



The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;

2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Staff also recommends that the driveway width Modification discussed above be applied to the land use as part of such approval, as well as the Modification to allow the existing native driveway and parking area.

*Sample Motion: Mr. Chairman, I move to approve Special Use Docket SU-13-15, with the Conditions and Modifications to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

#### **IX. ATTACHMENTS**

- A. Special Use Questionnaire
- B. Location Map
- C. Concept Plan & Requested Modifications
- D. Citizen Review and Public Comment



## **COMMUNITY DEVELOPMENT DEPARTMENT**

Planning, Zoning & Building Safety  
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240  
Fax 432-9278

### **COCHISE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER: 120-15-006A ZONING DISTRICT \_\_\_\_\_

APPLICANT: MANUELA RAMIREZ

MAILING ADDRESS: 37 N. MCRAE LN ST DAVID AZ 85630

CONTACT TELEPHONE NUMBER: (520) 720-9653

PROPERTY OWNER (IF OTHER THAN APPLICANT): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_

Special Use Permit Public Hearing Fee (if applicable)

\$ \_\_\_\_\_

Building/Use Permit Fee

\$ \_\_\_\_\_

**Total paid**

\$ \_\_\_\_\_

### **PART ONE - REQUIRED SUBMITTALS**

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

"Public Programs, Personal Service"  
[www.cochise.az.gov](http://www.cochise.az.gov)



6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property? RESIDENTIAL
2. What is the proposed use or improvement? CHILD CARE SMALL  
GROUP HOME
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? NONE

4. Describe all intermediate and final products/services that will be produced/offered/sold.

CHILD CARE

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

FRAME BUILDING

6. Will the project be constructed/completed within one year or phased? One Year \_\_\_\_\_  
Phased \_\_\_\_\_ if phased, describe the phases and depict on the site plan.

EXISTING BUILDING

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 12 Hours (from 6 AM to 6 PM)

B. Number of employees: Initially: 1 Future: 3  
Number per shift Seasonal changes 1

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

4 TO 6

(2) Total trucks (e.g., by type, number of wheels, or weight)

NONE

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

WEST FROM HOME TO MCRAE, SOUTH TO PATTON ST (HWY 80)

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

N/A



D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 400 per year 38000

E. Will you use a septic system? Yes X No      If yes, is the septic tank system existing? Yes X No       
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access\*? Yes X No       
If no, what steps are you taking to obtain such access?

\_\_\_\_\_  
\_\_\_\_\_

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):      private road or easement\*\*  
X County-maintained road  
     State Highway

\*\*If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached      NA X

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>ST DAVID WATER</u>	
Sewer/Septic	<u>SEPTIC</u>	
Electricity	<u>SULPHUR SPRING VALLEY</u>	
Natural Gas	<u>SOUTHWEST GAS</u>	
Telephone	<u>CENTURYLINK</u>	
Fire Protection	<u>ST DAVID FIRE DEPT.</u>	

### SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

SWING SET, SAND BOX, TOYS  
\_\_\_\_\_

2. Will outdoor storage of equipment, materials or products be needed? Yes \_\_\_ No ☒ If yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. \_\_\_\_\_
3. Will any noise be produced that can be heard on neighboring properties? Yes \_\_\_ No ☒ If yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? \_\_\_\_\_
4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No ☒ If yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? \_\_\_\_\_
5. Will odors be created? Yes \_\_\_ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? \_\_\_\_\_
6. Will any activities attract pests, such as flies? Yes \_\_\_ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? \_\_\_\_\_
7. Will outdoor lighting be used? Yes \_\_\_ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes \_\_\_ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. \_\_\_\_\_ B. \_\_\_\_\_ C. \_\_\_\_\_ D. \_\_\_\_\_



9. Will any new signs be erected on site? Yes \_\_\_ No X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?  
Yes \_\_\_ No X

If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No X

Will washes be improved with culverts, bank protection, crossings or other means?  
Yes \_\_\_ No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

GRAVEL

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes \_\_\_ No X If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

### **SECTION C - Water Conservation and Land Clearing**

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Community Development, Planning, Zoning & Building Safety Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site is one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? NONE

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

#### SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes \_\_\_\_\_ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)**

#### SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

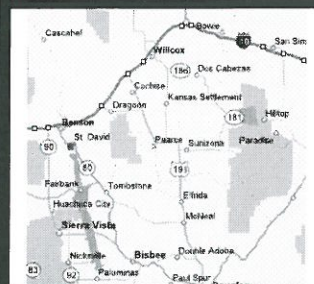
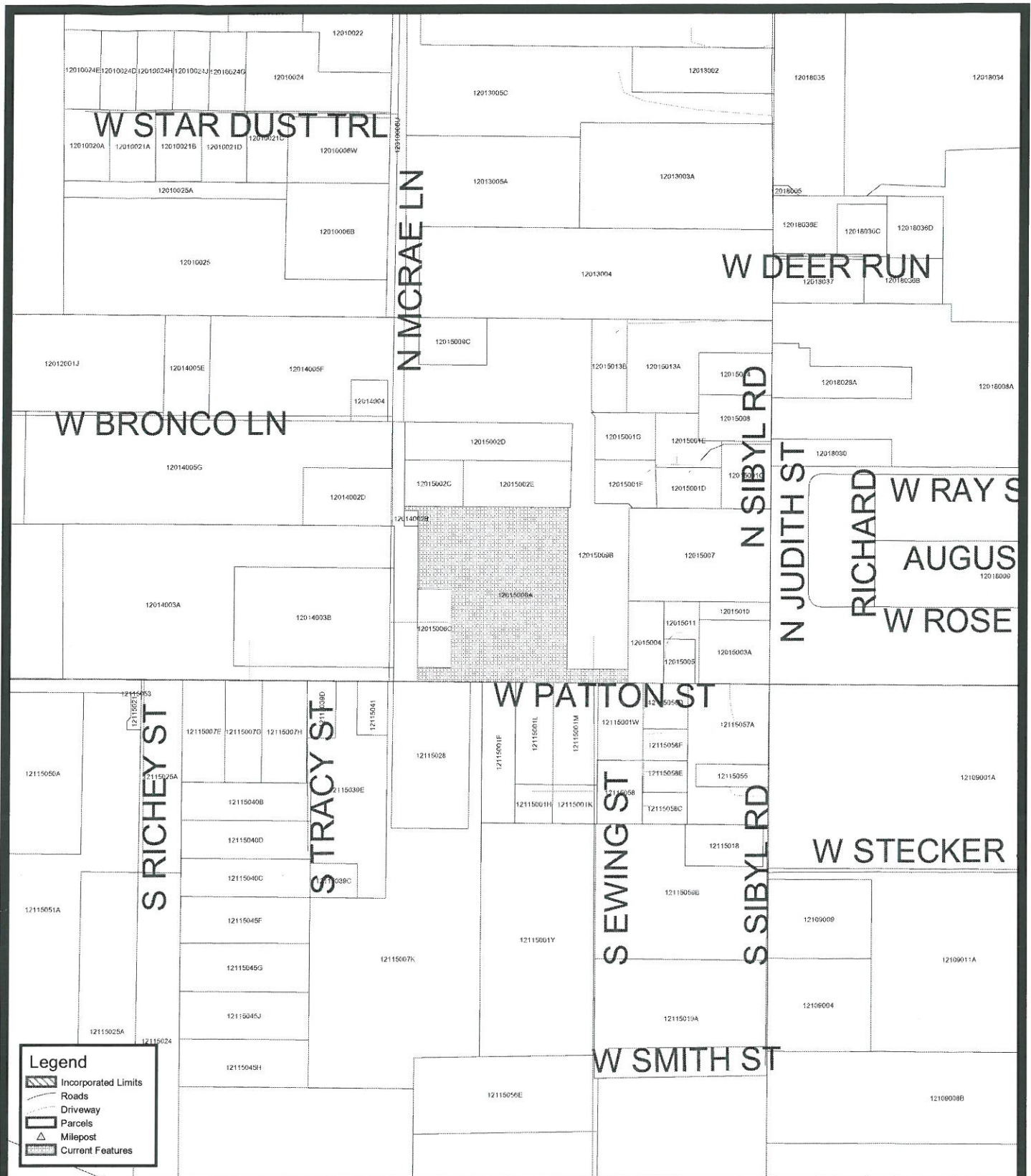
Applicant's Signature

Mandi [Signature]

Date signed

7/26/13





## SU-13-15 (Ramirez) Location Map

This map is a product of the  
Cochise County GIS



B





**Gardner, Peter**

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**From:** Rey Mortensen [rmcmortensen@yahoo.com]  
**Sent:** Monday, August 26, 2013 6:57 PM  
**To:** Gardner, Peter  
**Subject:** Day Care

Mr. Peter Gardner  
Planner I

I live next to Manuela Ramirez, (510 West Patton, in St. David) a very fine woman that tries to make living caring for young children while there mothers work. I don't see why she shouldn't have her "Child Care Establishment| approved. I have seen her establishment, it is clean, orderly, and more then adequate for Child Care. I think she has the right to persue her happines in the kind of work that she enjoys.. She loves children and they love her. I admire people that work for their living instead of having the government taking care of them

Any consideration given her would be greatly appreciated.

Sincerely,  
Mr. and Mrs. Reynold Mortensen

## Special Use: Docket SU-13-15 (Ramirez)

AUG 27 2013

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

- 1) It is her Constitutional Right to life, liberty & pursuit of happiness
- 2) It does not infringe on my rights
- 3) *Mudock v. Penn.* 319 US 105 (1943) No state can convert a liberty into a privilege & issue a license & a fee for it.
- 4) *Shuttleworth v. Birmingham* 373 US 262 (1962) If a state does convert any liberty into a privilege & issue a license & fee you can ignore the license & fee & engage the right w/ impunity.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Jacqueline and Glen Latham

SIGNATURE(S):

*Jacqueline Latham* UD1-207 w/o Prejudice V.C.C. 1-207  
*Glen Latham* UD1-207 w/o Prejudice V.C.C. 1-207

YOUR TAX PARCEL NUMBER: 181-15057A (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, August 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Peter Gardner, Planner I  
 Cochise County Planning Department  
 1415 Melody Lane, Building E  
 Bisbee, AZ 85603

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